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A HISTORY OF INDIAN POLITICAL IDEAS

THE ANCIENT PERIOD AND THE PERIOD OF TRANSITION TO THE MIDDLE AGES

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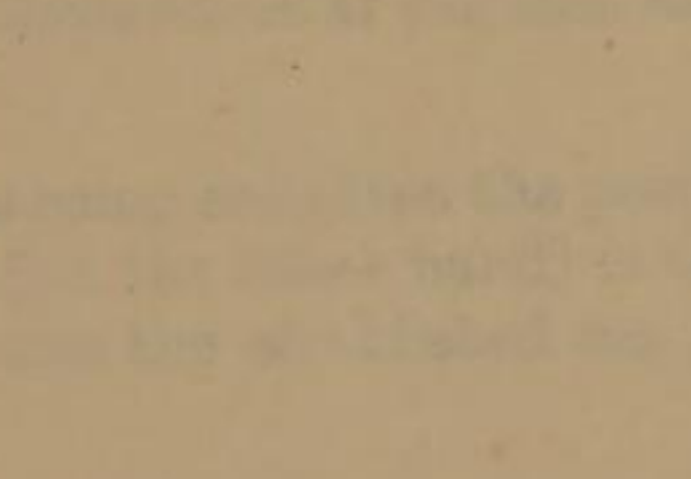

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dharmamarthaṁ cha kāmaṁ cha pravartayati pāti cha
adharmānarthavidveshānidaṁ śāstraṁ nihanti cha

(Kauṭilya's *Arthaśāstra* xv)

'This branch of knowledge (sc. *Arthaśāstra*) induces fulfilment of Virtue, Wealth and Pleasure and secures the same, while it destroys what is the reverse of Virtue and antagonistic to Wealth.'

sarvasya jīvalokasya rājadharmaḥ parāyaṇam
trivargo hi samāsakto rājadharmeshu Kaurava
mokshadharmaścha vispashṭaḥ sakalo'tra samāhitaḥ . . .
sarve tyāgā rājadharmeshu dṛishṭāḥ sarve dīkshāḥ rājadharmeshu yuktāḥ
sarve vidyā rājadharmeshu choktāḥ sarve lokāḥ rājadharmeshu pravishṭāḥ

(*Mahābhārata* xii. 56, 3-4 ; ibid. 63, 27)

'The code of royal duties is the refuge of the whole living creation : the threefold end of human existence is fixed in the code of royal duties, O Son of Kuru : the goal of salvation as well, in fact the whole category of four ends, is summed up in this code. . . . In the code of royal duties is found every form of renunciation, in the code of royal duties are joined all religious rites : in the code of royal duties is united all learning : in the code of royal duties are centred all the worlds.'

kriyaikadeśabodhīni śāstrānyāni santi hi
sarvopajīvakam lokasthitikṛinnītiśāstrakam
dharmārthakāmamūlaṁ hi smṛitaṁ mokshapradaṁ yataḥ

(*Śukranītisāra* I·4-5)

'Other branches of learning enlighten the people on only one aspect of their activities : *nītiśāstra* [on the other hand] is the source of subsistence of all classes, and it maintains the established usage of men.'

These three extracts quoted from the works of as many foremost exponents of the science of polity (called by different names) in Ancient India reflect their view, with evident exaggeration, of the universal scope and purpose of the science.

PREFACE

In 1923 the author published a short work called *A History of Hindu Political Theories* which went into an expanded edition in 1927. This last work became completely out of print some years back, but the author's preoccupation with other important literary engagements prevented him from revising it. In the present much enlarged edition bearing a new title, the author has aimed at the utmost extensive as well as intensive exploitation of the material belonging not only to the works of Brahmanical, Buddhist and Jaina sacred literature, and the treatises on the technical science of polity, but also to the works of classical Sanskrit and Tamil literature as well as the relevant epigraphic material. This has been accompanied by a fresh assessment of the author's judgments on the older topics and a fuller treatment of such concepts as the law of the social order, State law and justice, the principles and policies of Government and inter-State relations. Simultaneously, the work has been broadly divided into a succession of historical periods with summaries of the leading tendencies and characteristics of each period. All this has involved a considerable addition to the size of the older work by enlarging single chapters into multiple ones, by adding new chapters and so forth. The opportunity has also been taken for a thorough revision of Chapter I dealing with the Introduction and the concluding chapter giving a general summary and conclusion on the whole subject, while the material of the Appendices has been incorporated in the text. On the other hand the chronological limits of the present work have been restricted to the ancient period (ending roughly in the 13th century A.D.) for convenience of treatment. It is hoped that this work, attempting as far as possible a complete historical survey as well as critical analysis of the political ideas of the Indian people during their ancient times, will appeal to a wider public beyond the narrow horizon of students of Indology. It is a welcome sign of the times that, not to speak of the keen interest of the Indian as of other Eastern peoples in the ancient history of their lands after their liberation from colonial rule, there has been a growing appreciation of the abiding value of the secular aspects of non-European civilizations in Western lands.

In making his acknowledgments the author cannot but mention first and foremost his debt to the masterly work of A. J. and R. W. Carlyle entitled *A History of Mediaeval Political Theory in the West* (6 volumes, 1903-36), which has served him chiefly as a model of methodology, and secondarily as a reservoir of valuable data for purpose of comparison and contrast with the parallel concepts of the Ancient Indians. The author's use of translations as well as interpretations of extracts by other scholars has been, it is believed, suitably acknowledged in the body of the work. For the frequent references to the ancient Indian political institutions in Parts II–IV of this work the

reader is referred to this author's work *A History of Indian Public Life* (3 volumes) to be published by the Oxford University Press in the near future.

The author takes the liberty to conclude this short Preface by quoting afresh from the second edition the following verse of the greatest of the Sanskrit poets:

taṃ santaḥ śrotum arhanti sadasadvyaktihetavaḥ
hemnaḥ saṁlakshyate hyagnau viśuddhiḥ śyāmikā'pi vā
(Kālidāsa's *Raghuvaṁśam*, I. 10).

('The learned who are capable of discriminating between the good and the bad should attend to this performance, for it is only when tested in the fire that the purity or alloy of gold is discovered.')

EXTRACT FROM PREFACE TO THE FIRST EDITION

The historical presentation of the Hindu theories of the State and Government is at this moment one of the great *desiderata* in the field of Indology . . . So long as there is a tendency, as at present, to depend mainly, if not exclusively, upon the analytical method, there is the risk of interpreting the concepts and categories of the Hindu thinkers in disregard of the limiting conditions of time and place. In the present work while analysis and comparison have, it is believed, received their due measure of attention, the object has been principally to unfold the record of the Hindu political mind in the order of its historical evolution as far as practicable.

Next to the urgency of treating Hindu political thought on historical principles may be mentioned the necessity of precise analysis of its leading tenets. Principally because of the paucity and obscurity of the literary material, there has been in this case the danger of reading modern ideas into the old texts, or at least stretching their meaning to a degree unwarranted by the evidence. It has been the author's aim to avoid these pitfalls, and confine himself as far as possible to an objective interpretation of his subject.

Apart from the intrinsic merit of the ideas dealt with in this volume and their value in illustrating the genius of Hindu culture, the principal interest of a work such as the present lies, it would seem, in its furnishing the data, from an Eastern point of view, of a true science of Comparative Politics, a science taking cognizance of distinct types of institutions and theories conceived to be rooted in different conditions of existence and forms of race-consciousness, and involving the fullest recognition of the multilinear evolution of human social organizations.

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ABBREVIATIONS

ABORI	*Annals of the Bhandarkar Oriental Research Institute*, Poona
ARASI	Annual Report of the Archaeological Survey of India
ARE	Annual Report on South Indian (later, Indian) Epigraphy
ASS	Ānandāśrama Sanskrit Series, Poona
BI	Bibliotheca Indica, Calcutta
BSS	Bombay Sanskrit Series
CII	Corpus Inscriptionum Indicarum
EI	Epigraphia Indica
GOS	Gaekwad Oriental Series, Baroda
IA	*Indian Antiquary*, Bombay
IC	*Indian Culture*, Calcutta
IHQ	*Indian Historical Quarterly*, Calcutta
JASB	*Journal of the Asiatic Society of Bengal*, Calcutta
JBORS	*Journal of the Bihar & Orissa Research Society*, Patna
JBRAS	*Journal of the Bombay Branch of the Royal Asiatic Society*
JBRS	*Journal of the Bihar Research Society*, Patna
JRAS	*Journal of the Royal Asiatic Society*, London
MASB	*Memoirs of the Asiatic Society of Bengal*, Calcutta
NSP	Nirṇaya Sāgara Press, Bombay
PTS	Pali Text Society, London
SBB	Sacred Books of the Buddhists, London
SBE	Sacred Books of the East, Oxford
SII	South Indian Inscriptions, Madras
TSS	Trivandrum Sanskrit Series, Trivandrum

CHRONOLOGICAL TABLE OF PRINCIPAL ORIGINAL AUTHORITIES

1500–1000 B.C. Vedic *Saṁhitās* and *Brāhmaṇas*
1000–800 B.C. Principal *Upanishads*
600–300 B.C. *Dharmasūtras* of Gautama, Āpastamba, Baudhāyana and Vaśishṭha
300–100 B.C. *Vishṇu-Dharmasūtra* — with additions down to the 7th century
300–100 B.C. *Śaṅkha-Likhita Smṛiti*
400–300 B.C. Works of Pali Buddhist Canon
400–300 B.C. Predecessors of Kauṭilya
300–200 B.C. *Arthaśāstra* of Kauṭilya
200 B.C.–A.D. 200 *Manu-Smṛiti*
200 B.C.–A.D. 200 *Mahābhārata*
200 B.C.–A.D. 200 *Rāmāyaṇa*
A.D. 100–300 *Yājñavalkya-Smṛiti*
A.D. 100–200 *Buddhacharita* and *Saundarananda* of Aśvaghosha
A.D. 100–300 Original *Pañchatantra*
A.D. 100–300 *Pratimā-nāṭaka* and other works of Bhāsa
A.D. 100–300 Works of classical Tamil literature
A.D. 100–300 Works of Jaina (Śvetāmbara) canon
A.D. 100–400 *Nārada-Smṛiti*
A.D. 200–300 *Chatuḥśataka* of Āryadeva
A.D. 200–500 Śabara's commentary on Jaimini's *Mīmāṁsā-sūtras*
A.D. 300–500 *Bṛihaspati-Smṛiti*
A.D. 300–400 *Abhidharmakośa* of Vasubandhu
A.D. 300–400 *Jātakamālā* of Āryaśūra
A.D. 400–500 *Visuddhimagga* of Buddhaghosa
A.D. 300–600 *Vāyu, Vishṇu* and *Mārkaṇḍeya Purāṇas*
A.D. 350–420 *Abhijñānaśakuntalam* and other works of Kālidāsa
A.D. 400–600 *Kātyāyana-Smṛiti*
A.D. 400–600 *Nītisāra* of Kāmandaka
A.D. 400–800 *Mudrārākshasa, Bhaṭṭikāvya, Kirātārjunīyam, Śiśupālavadha* and other works
A.D. 650–700 *Tantravārttika* and other works on *Mīmāṁsā* by Kumārila-Bhaṭṭa
A.D. 600–650 *Kādambarī* of Bāṇa
A.D. 600–650 *Daśakumāracharita* of Daṇḍin
A.D. 705–775 Commentaries on *Āvaśyakasūtras* etc. by Haribhadra
A.D. 800–850 *Bālakrīḍā*, commentary on *Yājñavalkya-Smṛiti* by Viśvarūpa
A.D. 800–900 *Ādipurāṇa* and other works by Jinasena
A.D. 825–900 *Manubhāshya*, commentary on *Manusmṛiti* by Medhātithi
A.D. 959 *Nītivākyāmṛitam* of Somadeva
A.D. 1000–1100 Commentaries on *Uvāsagadasāo* and other works by Abhayadeva

A.D. 1063–1081 *Kathāsaritsāgara* of Somadeva
A.D. 1082–1100 *Mitāksharā*, commentary on *Yājñavalkya-Smṛiti* by Vijñāneśvara
A.D. 1089–1173 *Ādīśvaracharita* and other works by Hemachandra
A.D. 1100–1130 Commentary on *Yājñavalkya-Smṛiti* by Aparārka
A.D. 1100–1130 *Rājadharmakāṇḍa* and other works belonging to the *Smṛiti* digest called *Kṛityakalpataru* of Lakshmīdhara
A.D. 1131 *Mānasollāsa* by King Someśvara III Bhūlokamalla
A.D. 1150–1160 *Rājataraṅgiṇī* of Kalhaṇa
A.D. 1150–1225 *Vyavahāranirṇaya* of Varadarāja
A.D. 1150–1300 Commentaries on *Gautama-Dharmaśāstra* and *Āpastamba-Dharmasūtra* by Haradatta
A.D. 1150–1300 Commentary on *Manu-Smṛiti* by Kullūka
A.D. 1200–1225 *Smṛitichandrikā* by Devaṇabhaṭṭa

PART ONE

GENERAL INTRODUCTION

CHAPTER I

GENERAL INTRODUCTION

THE Indians belong to the category of peoples who have left their impress upon the pages of history as the founders of original systems of political thought. The foundation of the Indian ideas of State and government was laid at a time and in a region which ensured their indigenous origin. In the long and varied history of their subsequent development and decline, even at the points of closest contact with extraneous systems of thought, there is no reasonable room for doubt regarding either the native source of their inspiration, or else their national stamp.

INFLUENCE OF THE INDIAN MIND

The most important factor in shaping the growth and development of India's political (as of other) thought in ancient times must be sought in the essential genius of her people. A great Indian thinker of our time, Sri Aurobindo Ghose,[1] has traced the tendencies and characteristics of the Indian genius and their influence upon Indian history and civilization in words that deserve to be quoted at some length. According to him, the three qualities of India's 'ancient spirit and characteristic soul', the qualities which through their strength and weakness furnish the key to the rise and decline of her civilization, are, first and foremost, her spirituality, 'the master-key of the Indian mind'; secondly, 'her stupendous vitality, her inexhaustible power of life and joy of life, her almost unimaginably prolific creativeness'; thirdly and lastly, 'her strong intellectuality, at once austere and rich, robust and minute, powerful and delicate, massive in principle and curious in detail'. Under the impulse of these three factors 'the elaboration of all life into a science and an art' assumed great proportions in the period of India's ancient history from Aśoka's time downwards. The decline of India's culture was signalised by 'three movements of retrogression': these are, firstly, 'a sinking of that superabundant vital energy and a fading of the joy of life and the joy of creation', secondly, 'a rapid cessation of the old free intellectual activity, a slumber of the scientific and the critical mind as well as the creative intuition', and thirdly, the operation of spirituality in 'a dispersed action which replaces the old magnificent synthesis and in which certain spiritual truths are emphasized to the neglect of others'.[2] Passing to another characteristic of the Indian mind the author notices in the same context 'its impulse to follow each motive, each specialization of motive even, spiritual, intellectual, ethical, vital, to its extreme point and to sound its utmost possibility'. 'It tried to know the whole of divine nature and to see too as high as it could beyond nature and into whatever there

might be supradivine. When it formulated a spiritual atheism, it followed that to its acme of possible vision. When too it indulged in materialistic atheism, it formulated it straight out, boldly and nakedly, without the least concession to idealism or ethicism'.[3] How the Indian sense of balance and rhythm prevented the pursuit of these opposite extremes from resulting in disorder is told by the same thinker in the following words: 'The Indian mind is not only spiritual and ethical, but intellectual and artistic, and both the rule of the intellect and the rhythm of beauty are hostile to the spirit of chaos.' To this has to be added 'a still more ingrained characteristic, the synthetical tendency, so that having pushed each motive to its farthest possibility the Indian mind returns always towards some fusion of the knowledge it has gained and to a resulting harmony and balance in action and institution'.

Let us endeavour to trace the influence of the above factors in shaping the growth and development of our ancient social and political theory. We shall begin with the three qualities of the Indian genius to which reference has been made above. First, as regards the element of spirituality we have to mention that, not to speak of the striking reference to righteousness as the essence of kingship in an old Vedic text, the early Brahmanical works on Sacred Law (*Smṛitis*) introduce us to the conception of a welfare-State with its programme of universal protection and State-relief of the poor and the friendless, its twofold objective of ensuring freedom from hunger and from want, and its standard of complete identification of the ruler with his subjects. These works again formulate for the first time a remarkable law of the social order involving the conception of the king's government as a branch of the whole duty of this individual. The general attitude of these ancient authors towards the ends of human existence is indicated by the fact that one of them (Āpastamba) deliberately rejects the standard of wealth (*artha*) in favour of virtue (*dharma*). The early schools and authors of the technical science of polity (*Arthaśāstra*) indicate a strong tendency towards a materialistic view of life as well as the deliberate sacrifice of morals for political ends. But in Kauṭilya, the last and the greatest of the *Arthaśāstra* masters, we notice a tendency towards the joint application (in theory if not in practice) of virtue and wealth as the standards of the king's government, and a line of statecraft honouring as well as violating the moral standards. This complex attitude is maintained in the authoritative teachings of Manu and of Bhīshma (in the *Mahābhārata*), who inculcate evidently under the impact of *Arthaśāstra* thought a composite line of policy based on righteousness as well as violence. The full force of the ethical reaction against the tendencies of the *Arthaśāstra* is found in the writings of the Buddhist canonists. These authors not only agree in condemning politics as a dismal science based upon a creed of absolute selfishness and ruthless cruelty, but plead most impressively for the application of the standard of righteousness to the affairs of government. The influence of their elevated teaching upon practical politics is reflected in the celebrated statements of the Maurya

Emperor Aśoka furnishing the key to his internal and foreign policy, namely, that all men are his children and that the 'chiefest conquest' is the conquest by righteousness.

As regards the second factor, namely, intellectuality, already in our oldest literary works (namely the Vedic *Saṁhitās* and the *Brāhmaṇas*) we come across such a fundamental concept as that of the omnipotent cosmic or divine law. The early *Smṛitis* introduce us to doctrines of profound significance like that of the supremacy of the law of the social order with its combined dogmatic and rational implications, and that of the multiple basis of the authority and obligation of the temporal ruler with its reflection in the branches of State law, the law of penance, and the rules of ceremonial purity. Manu and more specially Bhīshma, while developing the above doctrines, add other principles of equal significance. Such are Bhīshma's reasoned plea for the application of the principle of violence as well as of righteousness to the affairs of government, his advocacy of a policy of total war accompanied with unscrupulous diplomacy and calculated treachery against the enemy outside, and above all, his statement of the fourfold standard of statecraft (namely, the sacred canon, custom, reason, and expediency) with a warning against a too strict adherence to the canon in support of his admittedly dubious line of State policy in an emergency. The last statement marks in truth the climax of the application of the *Smṛiti* spirit of rationalism to politics. The later Brahmanical canonical works continue more or less the tradition of their predecessors. Meanwhile the Buddhist and the Jaina canonists formulate in direct opposition to the Brahmanical dogma of the origin of the social order their independent theories of cosmic evolution as well as of the evolution of man and his institutions (property, government and society). The greatest single contribution made by our ancient authors to the reasoned treatment of political ideas lies to the credit of the schools and teachers of the *Arthaśāstra*. This is indicated by their discussion of a large number of principles and problems of government for the first time. We may refer for example to their estimate of the relative importance of the constituents of the State, their discussion of the methods of recruitment and selection of the officials and the technique of a king's consultation with his ministers, their policy of public security anticipating to some extent the methods of the collectivist as well as the totalitarian States of much later times, their scheme of State-planned colonization with the specific object of providing for the military and economic needs of the State and of exploiting its economic resources to the utmost, their alignments of States in a highly stylised context of inter-State relations, their selection of the types of foreign policy with the objective of an all-out attainment of power and success and especially of achieving progress in the sense of the fullest development of a king's resources with detriment to those of the enemy, their selection of the policy of marching against the enemy based on a balance of the relevant political and military factors with special reference to the question of the intellectual, the moral and the material strength of two rival kings,

their selection of sub-types of treaties in the light of a comparative estimate of the threefold objective (namely land, money and ally) of the same, and finally, their conception of the dynamic goal of inter-State relations.

Coming to the third and the last factor, namely, that of vitality, we have to mention in the first place that the history of Indian political theory begins with our oldest literary works, namely, the Vedic *Saṁhitās*, and it extends amid many vicissitudes of our political fortunes beyond the limits of the ancient times covered by the present volume. This means its continued existence for a period of nearly three thousand years. In the second place it may be stated that the Indian political ideas and concepts are spread over nearly the whole field of our extensive literature. They are dealt with by the Brāhmaṇa canonists in the literature of the *Vedas*, the *Smṛitis*, the *Purāṇas*, the *Mīmāṁsā* and other works, by the Buddhist and the Jaina canonical as well as non-canonical writers, by the authors of the technical science of polity, by the masters of the classical Sanskrit literature in the branches of epic and drama and artificial poetry as well as prose romance and folk-lore, and by the authors of the Tamil classical literature. References to these political ideas are found in our historical records from the third century before Christ down to the twelfth and the thirteenth centuries of the Christian era.

If such has been the influence of the threefold characteristic of the Indian genius upon the course of its social and political ideas, no less importance belongs to the tendency of the Indian mind to follow each motive to its extreme point and to sound its utmost possibility. If in certain levels of *Smṛiti* thought the Indian spirit tended to uphold the high and in fact infallible authority of the *Vedas* as a source of the Sacred Law, it proclaimed through some extreme schools of the technical *Arthaśāstra* the uselessness of the *Vedas* for worldly success and upheld the claim of politics and economics (or even politics alone) to the rank of science. If in the thought of the Buddhist canonists and even of the Brahmanical Epic of the *Rāmāyaṇa* it condemned 'the Kshatriya science' (*kshatravidyā*) as a dismal science, it pronounced through the authoritative utterance of Bhīshma in the *Mahābhārata* the Whole Duty of the king (*rājadharma*) to be the cream of individual and social ethics. If it upheld in the *Manusmṛiti* and later works the king's authority as the grand safeguard of individual security and the stability of the social order, it could conceive in the Buddhist and partly in the Brahmanical thought a golden State of Nature without a king based upon a spirit of philosophical anarchism. If it upheld in the *Manusmṛiti* and later works the doctrine of Divine creation and endowment of the temporal ruler, it could declare through the *Chatuḥśataka* work of the Buddhist philosopher Āryadeva and the well-known work on the technical science of polity called the *Śukranītisāra* that the king is a servant of the people subsisting by their contributions. If it inculcated upon the king the lesson of the complete merger of his interests in those of his subjects, it could provide for the king's personal safety and the security of the State a line of state-

craft based upon absolute selfishness. If it justified in the Brahmanical works on Sacred Law the Brāhmaṇa's supremacy over all others by Divine ordination, it pushed the Brāhmaṇas to a lower social plane than the Kshatriyas in the works of the Buddhist and the Jaina canonical literature by means of contrary theories of the origin of the social order.

How the Indian sense of balance and rhythm prevented the clash of these opposite extremes from degenerating into disorder is shown by other examples. It is probably as much to this spirit of balance and harmony of our people as to the ideal of renunciation and the weakness of organisation of the Brahmanical order that we have to attribute the striking fact that this class throughout our history failed to assert (except in theory and in legend) its claim to control kings and emperors. We miss accordingly in the Indian theories of the relations of the spiritual and the temporal powers a parallel to the spirit of fierce controversy that raged on this question in the Middle Ages of Europe. If the Indian spirit imposed upon individuals and groups a comprehensive code of social and religious laws tracing their ultimate source to the Vedas, it knew how to adjust the same to the needs as well as the capacities and sentiments of the people. If it emphasized the principle of the king's authority by reference to his Divine origin as well as the fundamental importance of his office and functions, it was no less insistent upon the king's obligation of protection on the triple basis of his Divine ordination, his subjection to the distinctive law of his order, and his quasi-contractual relation with his subjects following from his collection of taxes. If it inculcated the duty of the subjects to obey and honour their ruler, it was no less keen on allowing them to defend their civil rights by force of arms and resist the evil ruler with varying degrees of intensity.[4]

INFLUENCE OF INDIAN HISTORICAL DEVELOPMENT

Next to the influence of the genius of the Indian people as a factor in the development of their political ideas may be mentioned that of their historical development through the centuries. To begin with the social factor, the pattern of our social order dating from the early Vedic times contemplated the division of society into four primary classes with distinctive status and functions, the Brāhmaṇas above all representing the spiritual power in striking dissimilarity to the Kshatriyas who represented the temporal power. This principle, it is not too much to say, dominated the form of Indian social theory through the centuries. The Brāhmaṇas, the Buddhists and the Jainas differ in their estimate of the relative status of Brāhmaṇas and Kshatriyas, but they all agree on this fundamental doctrine of the social order. It gave rise as such to the doctrines of the creation of the social order by divine ordination (as in the Brahmanical theory), or else in the course of a process of cosmic evolution from mythical down to historical times (as in the theories of the Buddhists and the Jainas). The dogma of Divine ordination of the social order forms one of the main

pillars of the doctrine of the two powers as well as the theory of Brahmanical immunities and privileges formulated by the Brāhmaṇa canonists.

Coming to the political factor, we have to mention that the Indian type of territorial monarchy was derived out of the original Indo-Aryan tribal polity during the period of the *Yajus-Saṁhitās* and the *Brāhmaṇas*, and it was thence passed on to the succeeding centuries. A second type of polity, namely, that of empire in its different senses of overlordship over vassal States, sole rulership and territorial rule extending to the country's known natural frontiers, may likewise be traced back to the same period of the *Yajus-Saṁhitās* and the *Brāhmaṇas*. In later times it became the aim of all ambitious kings to achieve this old Vedic ideal. A third type of polity, the republican, can be traced sporadically with the help of historical examples from Northern India across the long stretch of time separating the Buddha in the fifth and sixth centuries B.C. from the early Gupta Emperors in the fourth century A.D. Except in the idealistic notions and conceptions of the Buddhist canonists the second type of polity left hardly a trace upon our political theory. The problems of republics were discussed from a theoretical or a practical point of view in such different systems of thought as those of the early Buddhist canon, Kauṭilya's *Arthaśāstra* and the *Mahābhārata*, but otherwise they are unknown to our ancient political thinkers. The case is otherwise with the first type of polity above mentioned, namely, that of the territorial monarchy. It was crystallized in the *Arthaśāstra* category of the seven constituents of the State which involves the concept of a territorial State controlled by a king and his staff of officials with the equipment of a permanent revenue and a standing army as well as that of a permanent ally in the context of a complex State-system. The category of the seven State-constituents, it can be said without exaggeration, shaped the form of the Indian political theory throughout the ancient times. For not only did it dominate the outward form of the theories of the technical *Arthaśāstra* and the Brahmanical *Smṛitis*, but it left a profound influence upon the parallel systems of the Buddhists and the Jainas as well as the masters of the classical Sanskrit literature. How thoroughly Indian political thought, in particular, was identified with the monarchic State is shown by the fact that the authors of the technical science of polity like Kāmandaka (I 7–8) and Śukra (IV 3–56) introduce their works with the avowed object of instructing kings in their duties, whilst those of the Brahmanical *Smṛitis* claim to lay down the rule of life for kings. Significant of the same attitude is the title of 'the royal science' (*rājaśāstra* or *nṛipaśāstra* or *rājavidyā*) or 'the Kshatriya science' or 'the Kshatriya rule of life' (*Kshatravidyā* or *Kshatradharma*) applied by Brahmanical and Buddhist authors to the science of polity. In so far as the influence of the *Arthaśāstra* category upon the substance of the Indian theories is concerned, we may state that the intensive study of its characteristics by our thinkers led them to develop such important aspects of their thought as the intellectual and moral qualifications of the ruler, the king's recruitment and selection of his officials,

as well as the technique of his consultation with his ministers, and above all, the policies of the king's internal administration and inter-State relations.

SOME CRITICISMS OF ANCIENT INDIAN POLITICAL IDEAS CONSIDERED

Let us conclude this chapter with some reference to a number of criticisms bearing on the nature and extent of our ancient political thought. We begin with a sweeping charge against the mentality of our people which strikes at the root of their claim to have contributed to the stock of man's political ideas. Religion, it was authoritatively held not long ago,[5] exercised such an exclusive hold on the Indian mind as to preclude it from conceiving the idea of the State. The fundamental objection against this dictum is that it is based upon a wholly one-sided, and therefore mistaken interpretation of the spirit of our civilization, which comprises, in the above-quoted words of the great modern Indian philosopher, the three elements of spirituality, intellectuality and vitality. 'Spirituality itself', to quote Sri Aurobindo in the same context[6] 'does not flourish on earth in the void, even as our mountain-tops do not rise like those of an enchantment of dream out of the clouds without a base.' How these three elements helped severally, according to our view, to shape the growth and development of our ancient political ideas has been explained above. If the criticism quoted above ignores the multiple aspect of the genius of our ancient civilization, it equally disregards the wide range of our old intellectual interests. The traditional Indian lists of 'sciences' (*vidyās*) are sometimes held to comprise four, sometimes eighteen, and at other times thirty-two items. Each of these lists contains some secular branches of knowledge. Thus the first and the shortest list comprises politics and economics; in the second list are included medicine, military science, music and politics; the last list contains politics, erotics, fine arts and other subjects. The parallel list of the practical arts (*kalās*) is usually held to comprise sixty-four distinct items.[7] The extant classical Sanskrit literature comprises works not only on civil and religious law (*Smṛitis*) as well as philosophy and religion, but also those on belles-lettres and poetics, grammar and lexicography, politics and general morals, erotics and medicine as well as astronomy, astrology and mathematics.

From the above general criticism of the spirit of our ancient civilization let us turn to some of its offshoots which have found authoritative expression in recent times. It has been argued[8] that the extraordinary dominance of the Indian religious institutions, as typified by the Indian division into the four stages of life as 'a religious disciple, a god-fearing and sacrificing householder, a contemplative forest-dweller and a world-abandoning ascetic', makes no provision for 'the interests of the State and the development of the race'. The above charge is based on an imperfect appreciation of the Brahmanical scheme of class-divisions as well as conception of the fundamental law (*dharma*) of the social order. For in the first place the Brahmanical scheme comprises not merely the horizontal division into the four orders

(*āśramas*), but also the vertical division into the four classes (*varṇas*), besides involving the king who is in many respects *sui generis*. In the latter scheme of division the Kshatriya (or the king) is bound by the distinctive law of his order primarily to protect the people. It is precisely because of the high significance of this obligation that the duty of the king (*rājadharma*) is held by the authoritative verdict of Bhīshma in the *Mahābhārata* to be equivalent in moral values to the duties of all castes and orders put together. Again the Brahmanical law of the social order was from the first conceived in such elastic terms as to permit its adjustment to the needs of the individual in times of distress and even his capacities as well as sentiments. The double doctrine of the Kshatriya's distinctive duty as well as of the duty of individuals in times of distress along with the conception of paramount importance of the State in the interest of the individual and the community, is utilized by Bhīshma in the *Mahābhārata* to justify the king's policy of wholesale spoliation of his subjects in his extreme peril. We may likewise notice the profound significance of the Brahmanical scheme of the successive stages of life in the background of the two paths or processes which according to the view of catholic Hinduism wonderfully complement each other in man's progress towards self-realization, namely, the path of action (*pravṛitti*) and that of renunciation (*nivṛitti*). While liberation (*moksha*) is held to be the goal of the latter path, the former path is conceived to involve the co-ordination of the three ends of life, these being virtue (*dharma*), wealth (*artha*) and pleasure (*kāma*), or at least the pursuit of the second and the third ends under the guidance of the first. Now according to the Brāhmaṇa canonists the discipline of the life of the householder under the protection of the State is necessary for the attainment of the three ends of life above mentioned, the fourth and the highest end being reserved for the life of the hermit and the ascetic. If the perfection of the individual is the key to that of the race, no surer means could possibly be conceived for achieving the latter end.

Another charge that is sometimes laid at the door of the Indian people (and with a surprisingly facile generalization against all Eastern peoples[9]) is that they were so imbued with dogmatic belief in the Divine creation and ordering of the world that they were never tempted to enquire into the rationale of their social and political institutions. Now as regards the general Indian attitude towards religion we cannot do better than quote the weighty remarks of an eminent Indian philosopher of our time. 'Religion in India', says Dr Radhakrishnan, 'is not dogmatic. It is a rational synthesis which goes on gathering into itself new conceptions as philosophy progresses. It is experimental and provisional in its nature, attempting to keep pace with the progress of thought. The common criticism that Indian thought, by its emphasis on intellect, puts philosophy in the place of religion, brings out the rational character of religion in India. No religious movement has ever come into existence without developing as its support a philosophical content'.[10] Referring to the general belief in the *Vedas* as the only authoritative

source of knowledge the same author observes: 'Generally, these Vedic truths refer to the experiences of the seers, which any rational rendering of reality must take into account. These intuitional experiences are within the possibility of all men if only they will to have them. The appeal to the *Vedas* does not involve any reference to an extra-philosophical standard.'[11] It is not till we reach the stage of the later commentaries that 'we have a state of philosophical orthodoxy, when speculation becomes an academic defence of accepted dogmas. The earlier systems also call themselves exegetical and profess to be commentaries on the old texts, but they never tended to become scholastic'.

We have quoted the above extracts to meet the charge of the critics just mentioned on general grounds. The point, however, is of sufficient importance to deserve a detailed treatment. In the system of the Brahmanical canon, it is true, the Vedic dogma of Divine creation of the social order forms in part the basis of the theories of the authority and obligation of the temporal ruler, not to speak of the theories of the relations of the temporal and the spiritual powers with each other and with the rest. In particular the most characteristic development of Manu's and Bhīshma's idea of the authority of the temporal ruler is concerned with their doctrine of Divine creation of the king and his consequent endowment with a superhuman personality. To the dogmatic arguments above mentioned, however, the *Smṛiti* authors from the first add rational principles such as the fundamental importance of the king's office and functions for supporting his authority, as well as the king's duty of protection in accordance with the law of his order and in return for taxation for justifying his obligation. In the next place, while the *Smṛitis* hold the canon to be the primary source of the law of the social order, they lay down principles for adjusting this law as stated above to the needs and capacities as well as sentiments of the people. What is more, they expressly declare more than once that the ultimate test of the law of the social order is the judgement of the cultured and enlightened people. This culminates in the memorable dictum uttered by a late *Smṛiti* writer in defence of the doctrine of forbidden practices of the Iron Age, namely, that the agreements of good men are authoritative like the *Vedas*. In the branch of State law, while the early *Smṛitis* conceive the canon and custom (or convention) to be its twofold source, Kauṭilya in his great work on the technical science of polity adds two other sources, namely, the current (*Arthaśāstra*?) law and reasoning. Moreover, Kauṭilya in this connexion lays down the memorable rule that reasoning based on the law prevails in the event of its conflict with the canon, and he justifies this by the striking argument that the letter of the canonical text in such a case is regarded as dead. The impact of these ideas on the *Smṛitis* of Yājñavalkya and his successors is reflected in their statement that the works on the technical science of polity (*Arthaśāstra*) and the works on the Sacred Law (*Dharmaśāstra*) are joint sources of the State law, and that in the case of conflict between two *Dharmaśāstra* texts reasoning based on usage, or else injunctions

based upon reason, will be regarded as authoritative. It is also significant that the *Smṛiti* writers, while laying down for the king the sources of the State law; repeatedly warn him against a too strict adherence to the canon. Even in the period of transition from the ancient times to the Middle Ages of our history, the great *Smṛiti* commentaries approach their study of social and political ideas and principles in a critical spirit. This is based upon the application of a whole apparatus of principles of interpretation to the old texts frequently with a considerable amount of originality. The spirit of pure scholasticism involving the mechanical repetition of the original texts under different heads is found only in such a late and relatively insignificant work of our period as the *rājadharma* treatise of Lakshmīdhara, the author of the ponderous *Smṛiti* Digest called the *Kṛityakalpataru*.

It remains to consider yet another criticism that is sometimes levelled against the tendencies and characteristics of our ancient political thought. The ideas of the ancient civilized peoples of the East, we are told, were so much vitiated by confusion between law and religion that they failed to develop political science as an independent branch of knowledge. The Oriental Aryans, it is more particularly observed, never freed their politics from its theological and metaphysical environment, and therefore they failed to rise to the level of the Aryans of Europe who are the only 'political' peoples known to history.[12] Now we have to observe in the first place that there arose at a comparatively early stage in the history of our political ideas a technical science of polity which in course of time gathered a rich and powerful literature around itself. Not only did the authors of this branch of knowledge hold it from the first to be equally entitled with the *Vedas* to rank in the list of sciences, but two of their early schools went to the length of eliminating the *Vedas* from this list on the ground of their uselessness for men of the world, while another author in his estimate of the traditional list of human ends held wealth to be the root of virtue and pleasure, a view which was repeated by Kauṭilya in his great work on *Arthaśāstra*. Nothing illustrates so well the obsession of these authors with their science as their frequent and passionate discussions of concrete problems of government ranging from a king's treatment of his own sons to his policy towards his enemies, as well as their categories and concepts dealing with an elaborate variety of political expedients and foreign policy and the constitution of a complex State-system.[13] In the system of the Brahmanical canon, it is true, the concept of society was interpreted in terms of the Vedic dogma of Divine creation of the social order, while the law of this order was held to be based primarily upon the *Vedas*. But from the first custom or convention was regarded as a secondary and distinct source of this law, while reference is made to the opinion of the learned for the interpretation of its supplementary or doubtful points. In the branch of State law in particular, while the canon and custom are held to be its two conjoint sources, the king is urged from early times to seek the advice of learned Brāhmaṇas and to apply reason for the decision of suits at his court. In

later times Manu and Yājñavalkya and their successors, evidently under the influence of Kauṭilya, credited the king's executive edict with the force of law. It is perhaps permissible to find in these successive stages of development of the Indian concept of the State law a distant parallel to the stages of the Ancient Roman law marked by the *responsa prudenta*, the *aequitas* and the *lex*. In the next place it is true that the *Smṛiti* concept of the State is conceived in terms of the whole duty of the king (*rājadharma*), which is imposed upon him by the distinctive law of his order. But from the first *rājadharma* is regarded as sufficiently elastic to comprise a whole body of principles and policies of government based exclusively upon the needs and requirements of the king's administration. Nothing is more characteristic of the governmental principles and policies of Manu and Bhīshma and their successors than their wholesale incorporation of the rules of the technical science of polity, Bhīshma going so far as to quote the authors of this science along with the canon as his authorities. Not without reason does the *Mahābhārata* announce itself[14] in the course of its opening chapters as comprising the branch of the technical science of polity along with that of the civil and religious law as well as erotics.

CHAPTER ONE
NOTES

[1] *The Renaissance in India*, pp. 7-29.

[2] Repeating in part the above view of the Indian genius, Dr S. Radhakrishnan (*Indian Philosophy*, vol. I, pp. 24-30) tells us how 'the intense spirituality of India has enabled it to resist the ravages of time and the accidents of history', and how 'the strong intellectuality of the Indian mind' has led it to know 'the inner truth and the law of all sides of human activity'.

[3] Illustrating the above from India's attitude towards social ideas and institutions, Sri Aurobindo (loc. cit.) makes the following weighty remarks: 'In life the ideal of opulent living and the ideal of poverty were carried to the extreme of royal splendour and the extreme of satisfied nudity . . . If it (the Indian spirit) was obliged to stereotype caste as the symbol of its social order, it never quite forgot, as the caste-spirit is apt to forget, that the human soul and the human mind are beyond caste. . . Its spiritual extremism could not prevent it from fathoming through a long era the life of the senses and its enjoyments, and there too it sought the utmost richness of sensuous detail and the depths and the intensities of sensuous experience.'

[4] A much less satisfactory analysis of the characteristics of the Indian genius and explanation of their influence upon the Indian social and political theory is that of Prof. Beni Prasad (*Theory of government in Ancient India*, pp. 2-6). The essential features of the Indian psychology, he writes, comprise the qualities of emotionalism, the power of imagination, the bent towards metaphysics, and lastly, clarity of thought. 'The philosophical Hindu intellect', we are further told, 'is at its best in synthesis', but 'is seldom at home in analysis and induction'. Because of India's proneness to emotionalism and aversion to 'the rigidity of discipline and organisation', 'whole departments of her life' were left unorganised. The distinctive development of India's political thought in contrast with that of the West following from her proneness to synthesis lies in the fact that politics even when recognised as a separate science 'could never make itself completely independent of religion and ethics'. This is proved by the frequent reference to 'the supernatural element' in avowedly political works as well as by the formulation of social theory as 'part of the general theory of the universe' and of the theory of the State as 'the theory of law and morals'. Now in the first place,

the author makes but the slightest reference to the intellectual element of the Indian genius, while he interprets its spiritual element quite unsatisfactorily in the general terms of emotionalism. Secondly, he fails to take note of India's capacity for organisation as exhibited in her social, religious, economic and political groups, such as castes and families, the monastic orders, the industrial and trading guilds and corporations, and the self-governing village-assemblies. Thirdly, the author ignores the strong tendency in almost every branch of India's thought towards grouping and classification which testifies to her flair for analysis. Fourthly, he forgets that apart from the fact that religion in India 'is hardly a dogma, but is a working hypothesis of human conduct adapted to different stages of spiritual development' (E. B. Havell, *Aryan Rule in India*, p. 170, quoted with approval by S. Radhakrishnan, *Indian Philosophy*, vol. I, p. 26); the general tendency of the authors of the technical science of polity was to exploit religion for political ends. Fifthly, the Brahmanical social theory to which the author evidently refers is expressed not in terms of the theory of the universe, but in those of the doctrine of Divine ordination. Sixthly and lastly, the State in the Brahmanical theory is credited chiefly with the maintenance of the law, and not with 'consciously and actively stimulating virtue and guiding the moral life'. In the result the theory of the State becomes to a large extent the theory of law, but this law is not necessarily identical with morals. To say in the face of the above that 'the Indian theory of the State resolves itself into a theory of law and morals' and that 'political science becomes the ethics of a whole society, a science of the whole duty of man in all its relations and environment' is to indulge in a bundle of inaccuracies and half-truths.

[5] Cf. the classical statement of Prof. Max Müller (*History of Ancient Sanskrit Literature*, p. 31): 'The Hindus were a nation of philosophers. Their struggles were the struggles of thought; their past, the problem of creation; their future, the problem of existence . . . It might therefore be justly said that India has no place in the political history of the world.' The above statement is paraphrased and amplified by a French historian of political theories, P. Janet, who observes (*Histoire de la Science Politique*, vol. I, p. 26): 'L' Orient en général, l'Inde en particulier, n'a pas connu l'idée de l'État . . . Pour employer une expression chrétienne, la seule cité pour les sages indiens est la cité divine.' A refreshing contrast is presented by the verdict of an Italian Orientalist, Prof. Carlo Formichi, who writes (*Gl'Indiani e la loro scienza politica*, pp. 20-21): 'Dicevo che volendo pronunciare un giudizio generale sulla natura dello spirito indiano, bisognava pure rassegnarsi a veder negl'Indi un popolo mistico ed avverso ad una robusta e sana operositá. Ma i giudizi generali sono assai pericolosi e contengono sempre una parte della veritá, maitutta la veritá. Gl' Indiani auch'essi hanno affermata la vita con energia, con entusiasmo.' More briefly he observes (ibid. pp. 26-7), 'È dunque inesatto affermare che tutta la letteratura indiana è l' apoteosi della rinunzia, e mira a distogliere l'uomo dalla realtà per nutrirlo di sogni e di chimere.'

[6] Op. cit. p. 12.

[7] *Kauṭilya*, I 1, *Kāmandaka*, III 1, *Manu-Saṁhitā*, VII 43, *Śukranītisāra*, I 15 (four sciences). *Vāyu Purāṇa*, III 6. 28, *Mahāvyutpatti*, 216 (eighteen sciences). *Śukranītisāra*, IV 264 (thirty-two sciences). Vātsyāyana's *Kāmasūtram*, I 16, *Śukranītisāra* IV 264 (sixty-four practical arts).

[8] Bloomfield, *Religion of the Veda*, pp. 4-5.

[9] Willoughby, *Political Theories of the Ancient World*, p. 114. With the above we may compare the striking contrast drawn by a well-known English historian of political theory between the mentality of the Indians and the Jews on the one side and that of the Greeks on the other. 'Instead of projecting themselves into the sphere of religion, like the peoples of India and Judea', observes Sir Ernest Barker (*The Political Thought of Plato and Aristotle*, pp. 1-2, repeated in *Greek Political Theory, Plato and his Predecessors*, p. 1), 'instead of taking this word on trust, and seeing it by faith, the Greeks took their stand in the realm of thought, and daring to wonder about things visible, they attempted to conceive of the world in the light of reason . . . A sense of the value of the individual was thus the primary condition of the development of political thought in Greece'.

[10] Op. cit. pp. 25-6.

[11] Ibid. pp. 50-51.

[12] The first statement is made by Willoughby, *Nature of the State*, p. 42, and the second by W. A. Dunning, *A History of Political Theories, Ancient and Mediaeval*, Introduction, pp. xix-xx.

[13] The list of political expedients originally comprised the four items of conciliation, bribery, dissension and force, but was afterwards extended to include also the three items of deceit, indifference and creating illusion. The six traditional types of foreign policy (which were further divided into sub-types) comprised the items of peace, war, attack, neutrality, taking refuge with another, and the dual policy. The State-system was usually held to consist of a group of twelve States, but other opinions made it range from groups of two to fifty-four States. See Chapters v, vii, xxi below.

[14] 1 2. 383.

PART TWO

THE ANCIENT PERIOD

(A) THE PERIOD OF THE VEDIC *SAṀHITĀS*, THE *BRĀHMAṆAS* AND THE PRINCIPAL *UPANISHADS*

(*c.* 1500—600 B.C.)

CHAPTER II

THE VEDIC *SAṀHITĀS* AND THE *BRĀHMAṆAS*

SOCIAL AND POLITICAL IDEAS IN THE *ṚIGVEDA* AND THE *ATHARVAVEDA SAṀHITĀS*

THE oldest works of our sacred literature, namely the *Ṛigveda-Saṁhitā* with its collection of hymns and prayers, and the *Atharvaveda-Saṁhitā* with its content of prayers, charms and incantations, contain a few ideas relating to the social and the political organisation of the people. These ideas can be summed up under the heading of four important principles which were destined to be developed more fully in the sacred works of the immediately following period, namely, the *Yajus-Saṁhitās* and the *Brāhmaṇas*, and the still later works on the Brahmanical Sacred Law, namely, the *Smṛitis*. The four principles are concerned with the authority of law and custom, the origin of the social order, the authority of the temporal ruler, and lastly, the status of the spiritual and temporal powers in relation to each other and the rest together with the theory of Brahmanical immunities.

1. AUTHORITY OF LAW AND CUSTOM. The two closely associated conceptions of an omnipotent cosmic or divine law (*ṛita, vrata, dhāman*) and an all-powerful custom (*dharma* or *dharman*) run through the *Ṛigveda* and *Atharvaveda-Saṁhitās*. Both these conceptions as yet are of a general nature. How this concept of the supremacy of law was specifically applied in the later Vedic works to the units of the individual and the society will be told presently.

2. ORIGIN OF THE SOCIAL ORDER. The division of society into four social classes with distinctive functions may be traced back to the ancient hymns of the *Ṛigveda*. It is, however, only in the late Ṛigvedic times that this division hardened into the well-known system of the four castes (*varṇas*). The doctrine of creation of these castes is found for the first time in a hymn of the last Book (*maṇḍala*) of the *Ṛigveda*, namely, the celebrated *Purusha-sūkta* (x 90). Here we are told (ibid. 11–12) how the four castes (now for the first time called Brāhmaṇa, Rājanya, Vaiśya and Śūdra) formed (or were created out of) the respective limbs (namely, the head, the arms, the middle and the feet) of the Primitive Man when he was sacrificed by the gods. The story is repeated in a text of the *Atharvaveda* (xix 6.6). The full implications of the above theory in the sense of divine ordination of the distinctive status and functions of the four castes are not developed till we reach the following period, that of the *Yajus-Saṁhitās* and the *Brāhmaṇas*. But meanwhile we may notice three fundamental principles underlying our oldest statement of the theory of social origins quoted above. In the

first place it implies that society is not limited by geographical and political boundaries, but is coextensive with the human race. Secondly, it signifies that society is a divine institution owing its origin not to any human, but to a divine agency. Thirdly, it involves the principle of separation of the four social classes and their gradation in an order of descending importance by the act of their creation, the Brāhmaṇas (or the priests and sacrificers) being held to be superior to the Rājanyas (or warriors and rulers) and the latter being regarded as superior to the Vaiśyas (or mass of freemen) and these last being conceived to be superior to the Śūdras (or serfs).

3. AUTHORITY OF THE TEMPORAL RULER. The Ṛigvedic hymn (x 90) quoted above implies, as we have just observed, the precedence of the Rājanyas (or the ruling and the fighting class) over the Vaiśyas and the Śūdras by Divine will. Further, the poets of the *Ṛigveda* and the *Atharvaveda* in the hymns relating to the consecration of kings as well as their general success and prosperity, repeatedly invoke divine favour in support of their authority. In *Ṛigveda*, x 173, for example, the poet prays to the gods to make the king's rule stable and to compel the subjects (*viś*) to pay their contributions (*bali*) to the king: the following hymn (x 174) contains the poet's prayer to the gods that the king may obtain sovereignty, that he may be supreme, and that he may be free from his rivals; similar prayers are conveyed by the poets on behalf of kings in *Atharvaveda* (III 3–5; IV 8; ibid. 22; VI 86–8). In the course of these prayers the poets frequently bring the king into definite relation with the gods. In an *Atharvaveda* text (IV 8.3) a whole Ṛigvedic verse (III 38.4) addressed to the god Indra is boldly transferred to the human king, while in another text (IV 22.6–7) the king is twice greeted with the epithet 'Indra's companion' (*Indrasakhā*). A closer affinity between individual kings and the gods is suggested in other passages. *Ṛigveda*, IV 42. 8–9, twice refers to Trasadasyu, King of the Pūrus, as 'a demi-god' (*ardhadeva*), and once even identifies him with the god Indra: King Parikshit is acclaimed in *Atharvaveda*, (XX 127.7), as 'one who exceeds mortals like a god' (*yo devomartyā ati*). The significance of these passages should be understood in the context of the conceptions of god-head among the Indo-Aryans in those times. In the *Ṛigveda* as well as the *Atharvaveda* the gods are conceived to be beings of superhuman excellence to whom prayers are addressed by the poets for various favours. Among them Indra occupies the place of honour as their king. The above passages would thus seem to involve a definite doctrine of divine affinity of the temporal ruler.[1]

4. STATUS OF THE TEMPORAL AND SPIRITUAL POWERS AND THE THEORY OF BRAHMANICAL IMMUNITIES. The technical terms indicating the concepts of the spiritual and the temporal powers (*brahma* or *brahman* and *kshatra*) may be traced back to the hymns of the *Ṛigveda*. In the *Atharvaveda*, *brahma* and *kshatra* are frequently bracketed together as the two dominant forces in the social and the political order. *Brahman* and *kshatra*, we are told in a passage of the mystic *Vrātya* hymns (ibid. xv 10.3–4), arose out of the *Vrātya* (i.e. an Ārya outside the pale of the Vedic society) and entered

Brihaspati and Indra respectively : *brahman* and *kshatra*, we read in another hymn (ibid. II 15) used as a charm against fever, form a group of diads that do not fear and are not harmed : in a third extract (ibid. x 5.1–4) the sacrificial water is joined successively with *brahman* and *kshatra* and with the gods Indra and Soma. The above extracts give utterance to the extraordinary potency of the spiritual and the temporal powers as well as their association with corresponding deities of the Vedic pantheon, and they may be taken as such to anticipate the celebrated doctrine of the two powers formulated for the first time in the following period.

In so far as the Brāhmaṇa's immunities and privileges are concerned, the *Ṛigveda* and the *Atharvaveda* extracts seek to vindicate his elementary rights of person and property as well as his family rights by magnifying the importance of his personality. In a Ṛigvedic hymn (x 109) for restoration of the Brāhmaṇa's wife to her husband by a king or a Kshatriya, we are told how the boundless sea, the fierce-flowing fire and the heavenly floods exclaimed against the outrage on a Brāhmaṇa, how the seven *ṛishis* proclaimed the terrible might of the outraged wife, how Soma, Mitra and Varuṇa as well as Agni joined in her restoration : again we are told that the Brāhmaṇa student (Brahmachārin) is 'a member of the gods' own body' (*sa devānāṁ bhavatyekamaṅgam*). Further, an *Atharvaveda* hymn (v 89), while reminding the king or a rājanya of the danger of devouring a Brāhmaṇa's cow and of robbing and injuring him, says that the man who counts the Brāhmaṇa as mere food drinks poison and the blasphemer who coveting his wealth slays him has a fire kindled in his own heart by Indra ; the Brāhmaṇa is not to be injured like fire by one who holds himself dear, for Soma is his heir and Indra his protector against imprecation : in fine the Brāhmaṇa is 'the connection of the gods' (*devabandhu*). To the above we may add that imprecations of divine wrath are uttered in other *Atharvaveda* texts (XII 5 ; XIII 3.1-25) against the Kshatriya who robs the Brāhmaṇa's cow and oppresses him. In the above passages, it will be observed, the immunity of the Brāhmaṇa from personal violence as well as from robbery of his wife and property is justified by the doctrine of his divine protection leading to that of his divinity, not to speak of the theory of his extraordinary potency.

DEVELOPMENT OF SOCIAL AND POLITICAL IDEAS IN THE *YAJUS-SAṀHITĀS* AND THE *BRĀHMAṆAS*

The *Saṁhitās* of the *Yajurveda* and the *Brāhmaṇas*, as they mark the climax of the Vedic sacrificial ritual, indicate likewise the culmination of the Vedic State and society. We can broadly trace the development of their ideas of social and political theory along three lines of thought patterned upon the older works. These relate firstly to the ideas of the social order, secondly to the conceptions of the authority and the obligation as well as the origin of the temporal ruler, and thirdly, to the doctrine of the two powers and the theories of the Brahmanical immunities and privileges.

1. IDEAS OF THE SOCIAL ORDER. The Ṛigvedic dogma (x 90.12) of the origin of the four castes out of the limbs of the Primeval Man is reproduced with slight changes in *Vājasaneyī Saṁhitā* (XXXI 11). The doctrine of Divine creation of the castes is amplified and developed in other passages. In *Taittirīya Saṁhitā* (VII 1.1.4-6) we are told how Prajāpati, desiring to have offspring, created from His mouth, His breast and arms, His middle and His feet successively, the Brāhmaṇa, the Rājanya, the Vaiśya and the Śūdra with corresponding hymns (*stomas*), metres, metrical hymns (*sāman*), animals and (except in the case of the Śūdras) deities : therefore the Brāhmaṇa and his cognates are the chief, the Rājanya and his compeers are strong, the Vaiśya and his fellows are to be eaten and are more numerous than others, while the Śūdra and his associates are dependent on others : the Śūdra is not fit for the sacrifice, for he was not created after any gods. A similar legend occurs in *Pañchaviṁśa Brāhmaṇa* (VI 1.6-11) where we read that Prajāpati wishing to create the sacrifice produced out of His mouth, His breast and arms, His middle and His feet successively the Brāhmaṇa, the Rājanya, the Vaiśya and the Śūdra with appropriate *stomas*, metres and (except in the case of the Śūdras) deities and seasons : therefore 'the Brāhmaṇa by his mouth is the strongest', 'the Rājanya's strength lies in his arms', the Vaiśya 'does not decrease' and 'is rich in cattle' while 'the Brāhmaṇa and the Rājanya must live upon him', lastly the Śūdra though rich in cattle is excluded from the sacrifice, as 'no deity had come into existence after him', 'he does not bring it further than to the washing of the feet, for he was created out of the feet of Prajāpati'. The above extracts, in the first place, emphasize the distinction between the four castes by equating them in the act of their Divine creation with as many different metres, animals and (except in the case of the Śūdras) deities. Secondly, they involve the doctrine of ordination of the status and functions of the four castes by the Divine Will. By the very act of their respective creations, we are told, the Brāhmaṇa is entitled to supremacy (and more particularly spiritual authority) and the Kshatriya to temporal authority, while the Vaiśya is charged with the function of maintaining the upper classes and the Śūdra with that of serving all the rest. Of the further development of this theory of Divine creation of the social order in our present works so as to lead eventually to the doctrine of the two powers we shall speak presently.

The most important development of the old Vedic idea of social order in our present works is concerned with the application of the principle of the supremacy of law to the individual and the social units. References to the Ṛigvedic conception of a cosmic or a Divine law and an all-powerful custom are repeated in the *Yajus-Saṁhitās* and the *Brāhmaṇas* with slight changes in the nomenclature. But already in a text (XI 1.6.24) of *Śatapatha Brāhmaṇa* we are told that 'the waters are the law (*dharma*) : hence whenever the waters come down to this (terrestrial) world, everything here comes to have been accorded with *dharma* : but whenever there is drought, then the stronger

seizes upon the weaker, for the waters are *dharma*.' This extract evidently identifies the State of Nature without law to be synonymous with anarchy (represented as in later times by the law of the jungle), from which it follows that law is the foundation of individual and collective security. Of much greater significance is a celebrated and oft-quoted extract (I 4.11-15) of *Bṛihadāraṇyaka Upanishad* which forms the supplement of *Śatapatha Brāhmaṇa*. Here the author first tells us how Brahman (the First Cause) manifested itself in the form of Bṛāhmaṇas and afterwards (through the respective divine prototypes of those classes) in the form of Kshatriyas, Vaiśyas and Śūdras. Then the author says, with a sudden change from the neuter to the masculine, 'He (the Brahman) was not strong enough: he created still further the most excellent *dharma*: *dharma* is the *kshatra* of the *kshatra*: therefore there is nothing higher than the *dharma*: thenceforth even a weak man rules the stronger with the help of the *dharma* as with the help of a king: thus the *dharma* is called the True: and if a man declares what is True, they say he declares the *dharma*: and if he declares the *dharma*, they say he declares what is True: thus both are the same.' The above extract brings the principle of law for the first time into clear relation with the social concept. It involves as such a number of important principles. Firstly, it matches the Divine creation of the four classes with that of law, thus making the latter a divine principle as much as the former is a divine institution: secondly, it conceives law to be the crown of the social structure completing and perfecting the divine purpose of its creation: thirdly, it specifically mentions that the authority of law though patterned on that of the temporal ruler is superior to the latter, thus implying the principle of supremacy of the law of the social order over its component units: fourthly and lastly, it identifies law with the abstract principle of truth, a conception which is referred to in another extract (II 5. 1 f.) of the same work where law (*dharma*) and truth (*satya*) are included in a regular series as the honey of all beings and all beings are mentioned as the honey of these qualities. How this abstract conception was interpreted in the *Dharmasūtras* or the early *Smṛitis* in the concrete sense of the group of duties and occupations of the component units of the social system will be told in the following chapter.

The interpretation of law (*dharma*) in terms of the social order indicated above is accompanied in our present works by the conception of political sanction for its support. *Śatapatha Brāhmaṇa* (v 3.3.6; 9) interpreting a *Rājasūya* ritual twice observes that thereby Varuṇa Dharmapati (the lord of the law) makes the sacrificer *dharmapati*: quoting the formula of another *Rājasūya* ritual the same work (v 4.4.5) boldly transfers the epithet *dhṛit-avrata* ('upholder of the law') in the original from God Varuṇa to the human king as well as the learned Brāhmaṇa (*śrotriya*): again, *Aitareya Brāhmaṇa*, describing the great consecration ceremony (*mahābhisheka*) of God Indra as well as that of the human king, tells us (VIII 12 and 23) how they are both to be proclaimed with the title *dharmasya goptā* ('protector of the law'). These

extracts hint at a principle which was destined to be fully developed in the early *Smṛitis*, namely, that of enforcement of the law of the social order by the arm of political authority.

2. AUTHORITY AND OBLIGATION AS WELL AS ORIGIN OF THE TEMPORAL RULER. The *Saṁhitās* of the *Yajurveda* and the *Brāhmaṇas* not only develop the old Vedic principle of the king's authority, but they also couple it for the first time with the principle of the king's obligation towards his subjects. As regards the former principle, we have seen how passages in the *Ṛigveda* and still more in the *Atharvaveda* tend to establish the king's affinity with the gods (specially Indra). The *Yajus-Saṁhitās* and the *Brāhmaṇas* repeatedly and emphatically seek to base the authority of the king upon one of their fundamental doctrines, namely, that of the omnipotent sacrifice. These works, amplifying the simple ritual of the *Ṛigveda* and the *Aṭharvaveda*, introduce us in fact to a number of elaborate ceremonies of royal and imperial consecration. Such are, above all, the ceremonies of the *Rājasūya* ('the king's inauguration-sacrifice'), the *Aśvamedha* ('Horse-sacrifice'), and the *Vājapeya* ('The drink of strength'): to these *Aitareya Brāhmaṇa* adds two special ceremonies intended for the divine as well as the human sacrificer, namely, the *Aindramahābhisheka* ('The Great Consecration of Indra') and the *Punarabhisheka* ('Renewed Consecration'). The constitutional significance of these ceremonies has been elaborately discussed by us elsewhere.[2] It will be sufficient in the present place to explain the threefold bearing of these ceremonies upon the authority of the temporal ruler. In the first place the central ceremony of the *Rājasūya* (namely, the besprinkling of the sacrificer with the sacred waters) includes the rite of making offerings to a number of deities collectively called *Devasūs* meaning 'divine quickeners' (Eggeling), or 'gods that instigate the gods' (Keith). In the formula accompanying these oblations the gods dignified with appropriate epithets are invoked to quicken the sacrificer for various types of authority indicated by as many different technical terms. Immediately after this invocation the royal sacrificer, according to the ritual of the Black *Yajus* texts, utters the formula 'this kingdom hath verily been conferred': again *Śatapatha Brāhmaṇa* (v 3.3.6; ibid. 9), explaining the significance of the above ritual observes that thereby Indra Jyeshṭha leads him into *Jyaishṭhya* (lordship) and Varuṇa Dharmapati makes him *dharmapati* (lord of the law). In the second place, according to the White *Yajus* account of the *Rājasūya* ceremony, there takes place immediately after the sacrificer's enthronement the curious ceremony of the priests' silently striking him with sticks on his back: explaining the significance of this act, *Śatapatha Brāhmaṇa* (v 4.4.7) says that thereby they guide him safely over punishment (*daṇḍa*) whence the king is exempt from *daṇḍa*. Further, our authors, while describing the consecration ceremonies above mentioned, repeatedly tell us how the priests thereby confer upon the sacrificer various types of royal and imperial authority (indicated by the technical terms *svarājya*, *sāmrājya*, *vairājya* and so forth): these accounts are accompanied by an enumeration of kings who

obtained world-wide sway through performance of the sacrifices. Thirdly and lastly, *Pañchaviṁśa Brāhmaṇa* (XVIII 10.10), explaining the general significance of the most celebrated of these ceremonies, observes that he who is consecrated to the *Rājasūya* ascends to the heavenly world. According to *Taittirīya Brāhmaṇa* (III 9.20.2), whoever performs the *Aśvamedha* attains to fellowship with Prajāpati and lives in the same world with him. The same result follows from the performance of specific rites by the royal sacrificers at these sacrifices. At the enthronement ceremony of the *Rājasūya* the king addressing the Brāhmaṇa priest or the four chief priests as Brahman, is greeted in return with the same epithet, and is further addressed as Savitṛi of true impulsion (*satyasava*), Varuṇa of true power (*satyaujaḥ*) (or of true rule), Indra mighty through the people (or of true power) and kindly, and Rudra the most mighty. Explaining the consequence of this act *Taittirīya Brāhmaṇa* (I 7.10.1–6) says that the sacrificer is thereby made identical with the gods. At the *Vājapeya* the sacrificer and his wife when mounting the sacrificial post utter a formula that they have come to heaven, that they have become Prajāpati's children, and that they have become immortal. Explaining the significance of other ceremonies of the same sacrifice, *Śatapatha Brāhmaṇa* states (V 2.1.11; 2.1.24; 3.4.23) that the sacrificer thereby becomes identical with Prajāpati, or else becomes Prajāpati's child, and again (V 2.2.15) that he has become one of the gods.

The above extracts indicate a twofold basis of the temporal king's authority derived from his connection with the royal and the imperial sacrificial ceremonies. The king, we are told, derives his authority, including his immunity from punishment, from the sacrifice through the intermediary of the gods or else directly from the sacrifice. Further we read that he acquires his divinity (to the point of identity with the highest deity of the pantheon) by virtue of his participation in the same ceremony. It now remains to mention a few isolated extracts involving the doctrine of the king's divinity independently of this ceremony. *Śatapatha Brāhmaṇa* in the course of its exposition of different rituals of the *Rājasūya* sacrifice thrice (V 3.5.27; 4.3.4; 4.3.7) repeats the formula that the sacrificer is Indra in a twofold way, both as a Kshatriya and as a sacrificer. Explaining another *Rājasūya* ritual (namely, that of the sacrificer's shooting to a certain distance with an arrow), *Śatapatha Brāhmaṇa* (V 4.4.5) observes, 'And as to why a Rājanya shoots, he the Rājanya is the visible representative (*pratyakshatamam*) of Prajāpati: hence while being One, he rules over Many.' The first extract involves the doctrine of double divinity of the temporal ruler, one being based upon his birth in a caste divinely ordained for rule, and the other on his participation in the sacrifice. The second extract (V 1.5.14), posing a problem which was destined to be repeated centuries later in *Mahābhārata* (XII 59), answers it by deriving the authority of the temporal ruler from his divinity as a representative of the highest deity of the pantheon, without any reference to his connexion with the sacrifice.[3]

Let us pause here to consider the significance of the Vedic ideas of divinity of the temporal ruler such as have been set forth above. In the preceding period, as we have seen, the poets of the *Ṛigveda* and the *Atharvaveda* associate or even identify kings in general as well as individual kings with the gods (not excluding Indra, the divine ruler). By contrast, the authors of the *Yajus-Saṁhitās* and the *Brāhmaṇas* repeatedly identify the temporal ruler with the gods (including the highest deity Prajāpati) by virtue of his participation in the royal and imperial sacrifices : the king in isolated extracts is even identified with Indra independently of the sacrificial ritual, while his authority over his subjects is explicitly derived from his connection with Prajāpati. These ideas, however, are subject to a number of limitations which may be classified under six heads. Firstly, we have the conception of an omnipotent cosmic (or divine) law and custom which was known to the Vedic *Saṁhitās* and the *Brāhmaṇas* from early times, and which was destined to be developed into the idea of a comprehensive law governing all the constituent elements of the social system in the Brahmanical works on Sacred Law. Secondly, since the Indo-Aryans believed from the first in a rich and diversified pantheon, the Vedic conception of the king's divinity could never assume that rigidity and inflexibility which are the hall-marks of a strictly monotheistic system. In the third place, since the doctrine of sacrifice in the *Yajus-Saṁhitās* and the *Brāhmaṇas* rested upon the principle that the gods themselves owed their position and above all their immortality to this institution, and because the essential ceremony of initiation (*dīkshā*) was conceived to raise the sacrificer to a divine level, it followed that the divinity acquired by the king through the sacrifice was not peculiar to himself, but was shared by him with others entitled to the same. Fourthly, the Vedic ideas of social origins implied from the first that the ruling class, though superior to the Vaiśyas and the Śūdras, was inferior to the Brāhmaṇas by divine ordination. In the fifth place, the Vedic authors, while mentioning the divine connection of the king, frequently make pointed reference to his human origin. In an *Atharvaveda* hymn used according to the ritual texts for victory in battle as well as for consecration of a king, the poet (IV 22.5) prays to Indra to make this king 'the uppermost of beings descended from Manu' (the first man, or the father of the human race according to the ideas of the Vedic Indians). The human origin of the king is more pointedly indicated in the *Saṁhitās* of the *Yajurveda* and the *Brāhmaṇas* in the course of their exposition of the *Rājasūya* sacrifice, as when in the ritual of the White and the Black *Yajurvedas* (*Vājasaneyī Saṁhitā*, IX 40 ; *Maitrāyaṇī Saṁhitā*, II 6.6 ; *Taittirīya Saṁhitā*, I 8.10) the sacrificer at the ceremony of invocation of the Divine Quickeners is referred to as 'the son (or descendant) of such a man and the son of such a woman', as 'the descendant of such a man', and so forth, and when in the Black Yajus ritual (*Taittirīya Saṁhitā*, I 8.12 ; *Kāṭhaka Saṁhitā*, XV 7 ; *Maitrāyaṇī Saṁhitā*, II 6.9 ; *Taittirīya Brāhmaṇa*, I 7.6) the king is designated similarly by his name and parentage in the formula of his announcement to a series

of deities. Sixthly and lastly, the Vedic authors recognise from the first that the king's office is essentially a political institution, the function of the ruling and fighting class (Rājanya) being sharply differentiated from that of the Brāhmaṇa, and the king's authority in particular being indicated by a number of technical terms (*rāshṭra*, *rājya* and *kshatra*) strictly indicative of his temporal power.[4]

Resuming the discussion of the ideas of kingship in the *Yajus Saṁhitās* and the *Brāhmaṇas*, let us now turn to their complementary principle of the king's obligation. We have seen how the king at a certain *Rājasūya* ritual is greeted by the officiating priest or priests with epithets indicating (according to *Taittirīya Brāhmaṇa*, I 7.10.1–6) his identification with the gods Savitṛi of true impulsion (*satyasava*), Varuṇa of true power (*satyaujaḥ*) and Indra of true conduct (*satyadharma*). In the same context, however, we are told in flat contradiction with the above that Varuṇa is truth (*satya*) as well as untruth (*anṛita*) and that the priest thereby wins for the king both these attributes. More conclusive is the evidence of other texts, as when *Śatapatha Brāhmaṇa* (V 4.3.12) in explanation of the *Rājasūya* ritual of the king's return of a cow to its owner after a mimic raid says that the sacrificer is not capable of a cruel deed, or again when the same work (V 4.4.5), commenting on a *Rājasūya* formula which relates to the priest's touching the sacrificer's breast, boldly transfers the epithet 'upholder of the Sacred Law' (*dhṛitavrata*) from the god Varuṇa in the original to the king as well as the learned Brāhmaṇa, and it explains this transference by stating that the king is not capable of all and every speech as well of all and every deed, but that he as well as the learned Brāhmaṇa is capable of speaking only what is right and doing what is right.[5]

We may next notice a strikingly original conception of our authors bearing upon their theory of kingship. Repeatedly in their works we find stories (*ākhyāyikā*) of the origin of the divine king (Indra, Varuṇa or Soma), which may safely be taken to reflect their views on the origin of the human ruler. The stories may be arranged under two heads, namely, those relating to Divine creation and to popular election.

The stories of Divine creation of the ruler of the gods are framed by our authors in such a way as repeatedly to emphasize the vital role played by the Supreme Deity (Prajāpati) in the process. Thus *Taittirīya Brāhmaṇa* tells us in one place (II 2.7.2) how Prajāpati created gods and demons but not Indra, how afterwards at the gods' prayer He created Indra and entered into his person, and how thereafter Indra overcame the demons. Prajāpati, we are told more fully in another text (II 2.10.4) of the same work, made Indra inferior to the gods 'just as the youngest brother in a family is inferior to the others': He then bade Indra go to the gods to become their king (*adhipati*): the gods, however, repulsed him by asserting their own superiority: carrying back to Prajāpati the story of his rebuff, Indra begged Him to bestow the lustre (*haras*) 'which now belongs to the Sun, but was then possessed by Prajāpati': with some reluctance Prajāpati gave up his

lustre to Indra in the form of a gold ornament (*rukma*): thus Indra became the king of the gods who acknowledged his superiority and attended him on all sides. The idea of Divine creation of the ruler of the gods is repeated in other *Brāhmaṇa* texts which, however, identify him with Varuṇa. *Pañchaviṁśa Brāhmaṇa* (xv 3.30), praising a particular chant called 'God-stand' (*devasthāna*), observes : 'Formerly the gods did not yield sovereignty (*rājya*) to Varuṇa : he saw this chant and therefore the gods yielded to him the sovereignty.' The hidden allusions in the above passage are cleared up in a text (III 152) of *Jaiminīya Brāhmaṇa*. Here we read how Varuṇa was originally the equal, as it were, of other deities : desiring to be consecrated to sovereignty (*rājya*) over all deities, he became the pupil of Prajāpati who taught him a particular chant : assuring Varuṇa that this was his own sovereignty (*rājya*) and form (*rūpa*), Prajāpati bade him go to the gods : they dispelled his fears that he was their equal, and assured him that they found in him the form of their Father Prajāpati : then they put him on the king's seat and consecrated him to various kinds of rulership. The above extracts, while declaring the ruler of the gods to have been originally inferior or at best equal to the others, tell us how he subsequently became king by the ordination of the Highest Deity supplemented by his inspiration with the latter's personality, or at least his possession of the latter's characteristic attributes. This anticipates in a remarkable fashion the doctrine of Divine creation of the human ruler which we find centuries later in the theories of Manu and of Bhīshma in the *Mahābhārata*, a doctrine involving the idea of Divine creation of the ruler so as to invest him with divine attributes or even with divinity itself.

The stories of election of the divine ruler by the gods are told in the *Saṁhitās* of the *Yajurveda* and the *Brāhmaṇas* so as to emphasize the importance of the king's office for their own security. 'The gods and the *asuras*', we read in *Taittirīya Saṁhitā* (II 4.2.1), 'were in conflict. The gods said, "Let us hold on to the strongest of us ;" they said to Indra, "Thou art the strongest of us ; let us hold on to thee."' 'The gods and the *asuras*', we are similarly told in *Aitareya Brāhmaṇa* (I 14), 'strove for these worlds ; They contended for this eastern quarter, the *asuras* conquered them thence ; they contended for the southern quarter, the *asuras* conquered them thence ; they contended for the western quarter, the *asuras* conquered them thence ; they contended for the northern quarter, the *asuras* conquered them thence ; they contended for the north-eastern quarter, they were not conquered thence. The gods said, "Through our lack of a king they conquer us ; let us make a king". "Be it so" (they said). They made Soma king ; with Soma as their king they conquered all the quarters.' Introducing its account of the Great Consecration ceremony of Indra, *Aitareya Brāhmaṇa* (VIII 12-14) further observes, 'The gods with Prajāpati said, "He is of the gods the mightiest ; the most powerful, the strongest, the most real, the best to accomplish, let us consecrate him." "Be it so" (they replied).' Thus the gods consecrated Indra : they built for him a throne with ritual melodies, and

he mounted the same with the sacred formulas : the All-gods filled the office of the heralds and proclaimed all his titles of sovereignty : Prajāpati consecrated him with the sacred water : then the appropriate deities consecrated him successively in the East, the South, the West, the North, the Centre and the Zenith. The above extracts involve the principle of election of the divine ruler by the gods on the ground of his superior merit. More particularly they introduce us to a State of Nature without a king which by exposing the gods to external insecurity furnished the occasion for this election.

We may consider in this connection a remarkable extract (quoted anonymously by Viśvarūpa in his commentary on *Yājñavalkya Smṛiti*, I 350) relating to the origin of the human ruler, an extract which, to judge from its style and contents, belongs to a lost *Brāhmaṇa* work. The gods and the men (sages ?), we are told, failed to bring the people under their control through benevolence : the gods disappeared. Prajāpati asked them who should protect the people after their disappearance, and He reminded them that the people not enjoying protection and being afflicted with sin would thenceforth cease to make the offerings on which depended their own livelihood : to this the gods replied by creating a king in human form after taking from the Moon, the Sun, Indra, Vishṇu, Kubera and Yama the qualities of beauty, lustre, prowess, victory, renunciation and restraint respectively : when the king insisted upon obtaining the help of the law (*dharma*) for fulfilling his task of protection, the gods created the same as his second : what is called the coercive authority (*daṇḍa*) (of the ruler) is the cause of *dharma*, and the king who knows this should inflict *daṇḍa* even upon his (guilty) father. The above extract involves an advanced theory of Divine creation of the temporal ruler and his authority such as is not matched in the extant *Yajus-Saṁhitā* and *Brāhmaṇa* texts. In the pre-political condition of man, we are told, he was ruled by the gods and sages on benevolent principles. When the gods withdrew from failure to rule the people, the latter fell into sin and neglected their duties. This led the gods to create a human king out of the respective attributes of different deities. This was followed by the Divine creation of law identified with the coercive authority of the ruler. The above account of the origin of kingship forms yet another link in the chain of political ideas that connects the thought of the *Brāhmaṇas* with that of Manu and of Bhīshma in the *Mahābhārata*. Among the common characteristics of the two accounts of the origin of kingship are the conception of an evil State of Nature, that of Divine creation of the king out of the attributes of multiple deities, and that of the king's coercive authority (connected with law) as his divinely ordained instrument.[6]

We have reserved for consideration in the last place a few extracts having no direct bearing upon the origin of divine kingship, but relating to consolidation of the political society of the gods by the voluntary agreement of its members. Among the ceremonies of the Soma sacrifice is one called *Tānūnapatra* which means 'a covenant made by the sacrificer and the priests

in the name of (the god) Tanūnapāt by which they pledge themselves not to injure one another.' The origin of this remarkable rite is explained with slight changes in the *Saṁhitās* of the parallel schools of the Black *Yajur Veda*.[7] We may quote here by way of example the version of *Taittirīya Saṁhitā* (VI 2.2). 'The gods and the *asuras* were in conflict. The gods fell out among themselves. Being unwilling to accept one another's pre-eminence, they separated in five orders . . . They reflected, "Our foes, the *asuras*, we are profiting, in that we are falling out among themselves; let us remove (from us) and deposit together those bodies which are dear to us; from these shall he depart who first of all is hostile to another." ' This account is taken over in the *Brāhmaṇas* of the other Vedic schools. *Gopatha Brāhmaṇa* in one place (II 2.2) practically repeats the version of *Taittirīya Saṁhitā* quoted above. 'The gods', we are told in *Aitareya Brāhmaṇa* (I 24), 'were afraid "Through our disagreement the *asuras* will wax great here." Having gone apart they took counsel. . . . They said, "Come, our dearest bodies (*priyatamāstanvaḥ*), let us deposit in the house of King Varuṇa; with them may he not be united who shall transgress this, who shall seek to cause trouble." "Be it so" (they replied). They deposited their bodies in the house of King Varuṇa; that became their bodily covenant (*tānūnapatra*); that is why the bodily covenant has its name'. We have a similar account in *Śatapatha Brāhmaṇa* (III 4.2.1–15). 'When the gods', we read, 'had performed the great offering, discord befell them. They separated into four different parties unwilling to yield to each other's excellence . . . . When they were separated, the Asura-Rakshas came after them and entered between them. They became aware of it. "Forsooth we are in an evil plight. The Asura-Rakshas have come in between us; we shall fall a prey to our enemies. Let us come to an agreement and yield to the excellence of Indra." The gods laid down together their favourite forms and attributes one after another and said, "Thereby he shall be away from us, he shall be scattered to the winds, whosoever shall transgress this (covenant) of ours. Whose (is it) as witness?" "Tanūnapāt the mighty . . ." Now these favourite forms and attributes which the gods put together they then deposited in Indra.'

The above extracts, it will be noticed, do not contemplate the creation of the divine king by the act of the gods. On the contrary the fuller accounts in *Aitareya* and *Śatapatha Brāhmaṇas* involve the conception of the pre-existing kingship of Varuṇa or Indra. The stories in fact refer to a confused condition of the divine political society caused by the division of its members into groups and resulting in their external insecurity. It was to end this evil that the gods entered into a covenant supported by solemn sanctions for the surrender of their distinct personalities in favour of the divine ruler.

3. **DOCTRINE OF TWO POWERS AND THEORIES OF THEIR MUTUAL RELATIONS—THEORIES OF BRAHMANICAL IMMUNITIES AND PRIVILEGES.** We have seen (pp. 20–21) how the *Atharvaveda* singles out *brahma* and *kshatra* as the dominant forces in society and the State. This view is repeated in the context of description of the royal or imperial sacrifices in the *Saṁhitās*

of the *Yajurveda* and the *Brāhmaṇas*. Thus we are told in explanation of various *Rājasūya* rites that the priest thereby sprinkles (i.e., endows) the sacrificer with *brahma* and *kshatra* identified respectively with Bṛihaspati and Soma (*Śatapatha Brāhmaṇa* (v 3.5.5–9), that thereby *brahma* and *kshatra* identified respectively with Agni and Indra approve of his coronation (ibid. v 3.5.32–3), and that thereby the king's distinction is guarded on either side by *brahma* and *kshatra* (ibid. XIII 1.5.3 and 5). The distinctive contribution of our authors' thought on this point consists in their development of the above ideas into a definite doctrine of the two powers (namely, the spiritual and the temporal) ruling over the others. We can trace the course of this development in the light of the texts almost from the first step to the last. A story in *Śatapatha Brāhmaṇa* (II 1.4.11) tells us how Prajāpati created groups of three triads each of which was coextensive with the universe : these groups comprise the series earth, ether and sky ; Brāhmaṇas, Kshatriyas and Vaiśyas, and lastly the self, the human race and the animals : by contrast the text is significantly silent about the Śūdras. The divine origin of the Śūdra is expressly denied in two texts of *Taittirīya Brāhmaṇa*, of which the first (I 2.6.7) tells us that the Brāhmaṇas sprang from the gods and the Śūdras from the Asuras, while the second (III 2.3.9) states that the Śūdras sprang from non-existence. To this denial of divine origin of the Śūdra is added in other texts the brand of his moral inferiority. The Śūdra, we are told, is born of evil, and what is evil transgresses purity (*Kāṭhaka Saṁhitā*, XXXI 2 ; *Maitrāyaṇī Saṁhitā*, IV 1.3); the Śūdra is untruth (*Śatapatha Brāhmaṇa*, XIV 1.1.31) and the Śūdra is sprung out of evil (*Taittirīya Brāhmaṇa*, III 2.3.9). The ban is extended in other texts from the Śūdra to the Vaiśya. *Śatapatha Brāhmaṇa* (VI 1.5.28), explaining a rite of the *Rājasūya*, says that the priest thereby imbues the sacrificer with truth, prosperity and light, while he strikes the Vaiśya with untruth, misery and darkness. How the precedence of the Brāhmaṇa and the Kshatriya over the Vaiśya and the Śūdra is the symbol and guarantee of the moral order is told in another text (ibid. VI 4.4.13) which states that the Brāhmaṇa and the Kshatriya precede but never follow the Vaiśya and the Śūdra, 'for otherwise there would ensue confusion between the good and the bad.' In another passage (ibid. VI 6.3.12–13) of the same work a rite of the Soma sacrifice is justified on the ground that one who is not a Kshatriya or a *purohita* is incomplete, while he who is a Kshatriya or a *purohita* is complete. These ideas of the essential inferiority of the Vaiśya and the Śūdra in the scale of social and moral values lead our authors to lay down their final view of the relations of these classes with the rest. How the Viś, or else both the Viś and the Śūdra, are made submissive to *brahma* and *kshatra* by means of appropriate ritual acts is explained in *Taittirīya Saṁhitā* (III 5.7.2–3), *Pañchaviṁśa Brāhmaṇa* (III 9.2) and *Śatapatha Brāhmaṇa* (VI 4.4.3–13). This is climaxed by another passage (XI 2.7.16) of the last-named work which categorically states that *brahma* and *kshatra* are established upon Viś.

If the above extracts lead progressively to the doctrine of the two powers, other passages in the *Saṁhitās* of the *Yajurveda* and the *Brāhmaṇas* involve the conception of their essential contrast. Thus we are told that the Brāhmaṇa is born as one endowed with spiritual lustre (*brahmavarchas*) while the Rājanya is born as one heroic, skilled in archery, sure of his mark and a mighty car-fighter (*Śatapatha Brāhmaṇa*, XIII 1.9.1–2), and again that the weapons of *brahman* are those of sacrifice and those of *kshatra* the horse-chariot, the armour, the bow and the arrow (*Aitareya Brāhmaṇa*, VII 19). This means that religious performances form the distinctive function of the Brāhmaṇa, just as fighting is that of the Kshatriya. To this our authors add their view of the total incompatibility of functions of the Brāhmaṇa and the Kshatriya. As *Śatapatha Brāhmaṇa* (V 1.1.12) pithily remarks, 'Unsuited for kingship is the Brāhmaṇa.' Nowhere is this antagonism between *brahma* and *kshatra* expressed with more emphasis and dramatic directness than in a few extracts of *Aitareya Brāhmaṇa* (VII 22–4). Here the author in the course of his description of the ceremony of royal consecration observes, 'He who has recourse to the sacrifice has recourse to *brahma*, and *brahma* thus delighted guards him from *kshatra*.' In contrast he who has recourse to kingship has recourse to *kshatra*, and *kshatra* thus delighted guards him from *brahma*. Again we are told that the Kshatriya before consecration has Indra as his deity and is Rājanya in relationship, but because of his becoming a Brāhmaṇa Indra takes his power, saying 'He is becoming other than we: he is becoming *brahma*: he is joining *brahma*.' After consecration the Kshatriya has Agni for his deity and is Brāhmaṇa in relationship, but because of his assuming the Kshatriya character at the end Agni takes his brilliance. How these dangers are to be guarded against by the sacrificer with appropriate offerings and prayers is told by the author in the same context, but it is unnecessary to quote those passages here.

Let us consider in the next place our authors' views of the mutual relations of the spiritual and the temporal powers which consist, characteristically enough, of a bundle of divergent and even contradictory ideas. In some passages the relation is declared to be one of interdependence as when we are told that a Brāhmaṇa who has a Rājanya is superior to another Brāhmaṇa, while a Rājanya who has a Brāhmaṇa is superior to another Rājanya (*Taittirīya Saṁhitā*, V 10.10.3), or that *brahma* and *kshatra* are established on each other (*Aitareya Brāhmaṇa*, VIII 2). By contrast other passages in the White as well as Black *Yajus Saṁhitās* lay down the remarkable dictum of the Brāhmaṇa's independence of the king. We refer to the formula uttered by the priest in the presence of the assembled multitude at two successive ceremonies of the *Rājasūya*, namely, in the concluding stage of the oblations to the so-called Divine Quickeners, and again at the besprinkling ceremony or else at the ceremony of preparation of the sacred waters.[8] The formula is as follows, 'This man is your king, Oh ye people (with variants): Soma is the king of us Brāhmaṇas.' This means that side

by side with the State ruled by the earthly king the Brāhmaṇas form a State ruled by the divine king Soma.

If in the above passages our authors' views oscillate between those of interdependence and independence of the two powers, they differ in other texts about the relative superiority of these powers. Frequently in our present works, as indeed might be expected from their priestly authors, the relation is expressed as that of precedence of the Brāhmaṇa over the Kshatriya. Thus we are told that because of the performance of specific rites or utterance of specific prayers the Brāhmaṇa is the chief (*Taittirīya Saṁhitā*, II 6.2.5), that *brahma* is prior to *kshatra* and *kshatra* falls under the influence of *brahma* (*Aitareya Brāhmaṇa*, VIII 1.4; ibid. 9), and that *brahma* is yoked before *kshatra*, for *brahma* comes before *kshatra* (*Pañchaviṁśa Brāhmaṇa*, XI 1.2). And yet in these works we come across occasional texts tending towards a diametrically opposite conclusion, namely, that of inferiority of the *brahma* to the *kshatra*. A ritual act of the *Rājasūya* sacrifice is interpreted in *Śatapatha Brāhmaṇa* (V 4.2.7) to mean that the Brāhmaṇa is thereby made an object of respect after the king, thus involving the principle of social inferiority of *brahma* to *kshatra*. The political subjection of the one to the other is reflected in *Taittirīya Saṁhitā* (II 5.10.1) which mentions a rite whereby the Brāhmaṇa, the Vaiśya and the Śūdra become obedient to the Rājanya.

We have so far considered the views of our authors based upon the doctrine of the two powers. It remains to notice a few extracts involving an extreme development of this doctrine so as to exalt the spiritual power at the expense of the temporal. Mitra, we read in a remarkable extract (IV 1.4.1–6) of *Śatapatha Brāhmaṇa*, is intelligence (*kratu*) and Varuṇa is will (*daksha*), and therefore *brahma* is the conceiver (*abhigantā*) and the *kshatra* is the doer (*karttā*). Then follows an interesting legend of the original relations of the two divinities just mentioned. In the beginning, we read, Mitra and Varuṇa were separate : then Mitra the *brahma* could stand without Varuna the *kshatra*, but Varuṇa could not stand without Mitra : whatever deed Varuṇa did unsped by Mitra the *brahma*, therein forsooth he succeeded not. Then Varuṇa invited the assistance of Mitra promising to place him foremost. 'Whatever deed sped by Mitra, Varuṇa thenceforth did, in that he succeeded.' 'Hence it is quite proper that a Brāhmaṇa should be without a king . . . It is, however, quite improper that a king should be without a Brāhmaṇa, for whatever deed he does, unsped by Mitra the *brahma*, therein he succeeds not'. This extract is important for two reasons. In the first place it expresses by means of a divine symbolism the mutual relations of the Brāhmaṇa and the Kshatriya in terms of the two attributes, intelligence and will. This signifies that the Brāhmaṇa is the main-spring of the Kshatriya's activity. Secondly, the above passage shows by reference to the legend of divine prototypes of these powers that the temporal power involves as its necessary adjunct the spiritual power, but not vice versa. The above conception reaches its logical development in another text

(XII 7.3.1) of *Śatapatha Brāhmaṇa* which categorically states that *kshatra* is produced out of *brahma*. Thus at last we are introduced to the doctrine of one single power (namely, the spiritual) of which the other (namely, the temporal) is a derivative.

The doctrine just stated, which implies the unique status of the spiritual power in relation to the rest is reflected in the remarkable legend of Divine creation of the four classes in *Bṛihadāraṇyaka Upanishad* (I 4.11–15) of which we have quoted the concluding portion elsewhere. 'Verily in the beginning', we are told, 'there was Brahman, one only. That, being one, was not strong enough. It created still further the most excellent *kshatra* (power), namely, those *kshatras* among the Devas—Indra, Varuṇa, Soma, Rudra, Parjanya, Yama, Mṛityu, Īśāna . . . He was not strong enough. He created the *viś* (people), the classes of Devas which in their different orders are called Vasus, Rudras, Ādityas, Viśvedevas, Maruts. He was not strong enough. He created the Śūdra colour (caste), as Pūshan (as nourisher) . . . Among the Devas that Brahman existed as Agni (fire) only, among men as Brāhmaṇa, as Kshatriya through the (divine) Śudra. Therefore people wish for their future state among the Devas through Agni (the sacrificial fire) only; and among men through the Brāhmaṇa, for in these two forms did Brahman exist.' In this account of cosmic creation the First Cause is represented as successively creating the divine prototypes of the Kshatriyas, the Vaiśyas and the Śūdras, while nothing is mentioned about the creation of those of the Brāhmaṇas, the Brāhmaṇas on the contrary being declared to be human manifestations of the same. The Brāhmaṇa, then, is distinguished from the other classes by his direct connection with the First Cause of the Universe in contrast with the derivative origin of the rest through their divine prototypes.

We may notice at the conclusion of this chapter the development of the old Vedic theory of Brahmanical immunities and privileges by our authors. The Brāhmaṇa, we are told in a number of texts (*Taittirīya Saṁhitā*, I 7.3; *Maitrāyaṇī Saṁhitā*, I 4.6; *Śatapatha Brāhmaṇa*, II 2.2.6 and IV 3.4.4 and *Gopatha Brāhmaṇa*, II 1.6), is a god though of a lower order than gods proper: from the above *Gopatha Brāhmaṇa* draws the corollary that the sacrificer propitiates the oblation-eating gods by means of offerings, and the human gods by the sacrificial fee. In the second place *Śatapatha Brāhmaṇa* (V 3.3.12; 4.2.3), after quoting the *Rājasūya* sacrificial formula which declares Soma to be king of Brāhmaṇas, observes, 'He thereby causes everything here to be food for him (the king): the Brāhmaṇa alone he excepts: therefore the Brāhmaṇa is not to be fed upon, for he has Soma for his king'. Again, it says (IX 4.3.16), 'He thereby excludes the Brāhmaṇas (from the power of the king) and makes them such as are not to be fed upon (by the king).' Thirdly, *Bṛihadāraṇyaka Upanishad* in the extract quoted above (I 4.11–15), after stating how Brahman created the most excellent *kshatra* and conferred the glory on the Kshatriya alone, says, 'But *brahma* is nevertheless the birth-place of the *kshatra*: therefore, though a king is exalted, he sits down

at the end (of the sacrifice) below the Brāhmaṇa as his birth-place : he who injures him injures his own birth-place : he becomes worse, because he has injured one better than himself.' The above extracts carry forward and develop the ideas of the Brāhmaṇa's private rights in the *Ṛigveda* and in the *Atharvaveda* by old and new arguments. The Brāhmaṇa, we read, is entitled to his sacrificial fee because of his divinity and to immunity of his property because of his being subject to the divine king. He is further entitled to social prominence as well as immunity of his person by virtue of derivation of the temporal power from the spiritual.

SUMMARY OF THE PERIOD

The first important political principle of this period relates to the conception of Divine origin of the social order. This involves the notion of separate creation of the four constituent social units and ordination of their distinctive status and functions by the Divine will. Applying the ancient Vedic concept of the cosmic law to this limited sphere, an *Upanishad* text further conceives the idea of supremacy of the law of the social order, the law being held to be a divine principle and identified with the abstract notion of truth. The second notable political principle of this period is concerned with the development in the later works of an almost complete theory of the office of the temporal ruler. This involves a dominant principle of the king's authority based mostly upon his participation in the royal and imperial sacrifices and his resultant identification with the gods, a less prominent principle of the king's obligation founded upon the conception of kingship as synonymous with righteousness and finally a double theory of the origin of the divine king based upon the conception of his creation and endowment by the Highest Deity and that of his election by the gods in the interest of external security. The third and the last important principle of this period relates to the development in the later works of the doctrine of the two powers (the spiritual and the temporal) with its accompanying conception of a sharp contrast between their attributes and functions, and the attendant interpretation of their mutual relations in diverse and even contradictory terms. The accompanying theories of the Brāhmaṇa's immunities and privileges (which as yet comprise the elementary rights of person and property) are based upon a number of high-sounding principles. Such are the conceptions of the Brāhmaṇa's superhuman might, of his divine protection leading to his divinity, his subjection to the divine king and of the derivation of the temporal power from the spiritual.

CHAPTER TWO
NOTES

[1] On the religion of the *Ṛigveda*, *vide* now Chaps. IX-XIII of the work, *The Origin and Development of Religion in Vedic Literature* by P. S. Deshmukh, Oxford University Press, 1933. There has been a tendency among scholars in recent times to explain away

the references to the doctrine of the king's quasi-divinity or divinity in the *Ṛigveda* and *Atharvaveda* passages relating to kings Trasadasyu and Parīkshit respectively. The Ṛigvedic texts describing 'king Purukutsa' (*read* King Trasadasyu) as semi-divine and the *Atharvaveda* passage characterising Parīkshit as a god among men, Dr A. S. Altekar (*State and Government in Ancient India*, pp. 84-5) argues, are 'solitary instances' showing that 'the theory of the king's divinity was as yet confined to 'the imagination of a few grateful courtiers'. According to Dr N. C. Sengupta (*Evolution of Ancient Indian Law*, Tagore Law Lectures, 1950, Calcutta 1953, pp. 37-8) the Ṛigvedic passages describing Trasadasyu both as Indra and as Varuṇa mean at the most that the worshipper 'while initiated for the sacrifice becomes imbued with divine attributes, not that he is always so'. The first argument misses the cumulative evidence of the *Ṛigveda* and the *Atharvaveda* passages quoted in this chapter, while it ignores the significance of the *Ṛigveda* conception of divinity explained above. The second argument reads into the Ṛigvedic text the developed dogmatic notion of the omnipotence of the sacrifice in the late Vedic period.

[2] *Studies in Indian History and Culture*, Calcutta, 1957, (Chapter IX).

[3] A contrary view of the Vedic theory of kingship is put forth by Dr A. S. Altekar and Dr N. C. Sengupta, the former (op.cit. n. 59) holding that 'the doctrine of the king's divinity was unknown to the Vedic period,' and the latter (op.cit. pp. 37-8) asserting 'the complete absence of the concept of divine personality of the king' in Vedic literature. We have endeavoured elsewhere (n. 1 above) to dispose of the main argument of these scholars which is based upon their interpretation of the Trasadasyu hymn in the *Ṛigveda*. When Dr Altekar seeks to show that 'the growing sway of religious ideas and notions produced an atmosphere in the Brāhmaṇa period which was more favourable to the notion' of the king's divinity, he not only contradicts himself to some extent, but he also ignores the fact that the idea of divine favour as a cause of the king's success in the *Brāhmaṇas* and their transference of divine epithets to the king are anticipated (as shown above) in the *Ṛigveda* and the *Atharvaveda*. Explaining the circumstances favouring the rise of the doctrine in the later Vedic period Dr Altekar observes, 'Brāhmaṇas were claiming divinity (*bhūdevatva*) for themselves and were, therefore, not disposed to deny it to the king, who was expected to uphold their privileges.' This argument is contradicted by the complex and even contradictory ideas of the mutual relations of the spiritual and the temporal powers in the *Yajus Saṁhitās* and the *Brāhmaṇas*. These comprise *inter alia* the conception of a fundamental antagonism between the attributes and functions of the two powers, and still oftener, the doctrine of a single power (namely, the spiritual) of which the other (the temporal) is a derivative. We have further to observe that what Altekar thinks to be characteristic of the Vedic period, namely, that 'kingship was a purely secular institution', 'the king in his official or public capacity' being 'not required to perform any sacrifices for the promotion of the public weal or the removal of a tribal or national calamity', applies equally well to the post-Vedic period. How the undoubted development of the doctrine of the king's divinity (with the limitations imposed by its Vedic *milieu*) was the natural consequence of the increase in the king's authority and functions has been sought to be shown by the present writer in his work, *A History of Hindu Public Life*, Part I, pp. 12-15, 37-42, 62-6, 100-17.

[4] In his very learned work entitled *Spiritual and Temporal Power in the Indian Theory of Government* which is based upon an exhaustive study of the Vedic data, Dr Ananda K. Coomaraswamy sums up his view of the Indian kingship somewhat differently from the above. The king, he says (ibid. p. 85), is such by Divine Right and Appointment, and by the same token the Executive of a higher than his own will; or if he rules only by might and does his own will, he is a Tyrant and must be disciplined. In an earlier passage (ibid. p. 84) the author explains the *Rājasūya* ceremony to involve 'the ritual enacting of the principle that the king's divinity is not his own, not this man's who sits upon the throne, but that of the principle that overrules him and of which he is not the reality.' This judgement, it seems to us, while doing ample justice to the first limitation on the Vedic doctrine of the king's divinity mentioned above, fails to take notice of the other limitations. Again it seems to us that the application of the phrase 'Divine Right' in the present context is singularly inappropriate, for it carries with it the sense that the king is the representative of God in such a sense that resistance to him in all cases is unlawful.

[5] Dr A. S. Altekar's inference (*State and Government* . . . p. 57), based on the authority of *Śatapatha Brāhmaṇa* I 4.1.4 & V 4.4.7, of two schools of thought, one of which held *dharma* to be the essence of kingship and the other pronounced him to be above punishment, gives a wholly imperfect account of the conjoint principle of the authority and obligation of the temporal ruler in the *Yajus Saṁhitās* and the *Brāhmaṇas*. For criticism of Dr K. P. Jayaswal's interpretation of *Śatapatha Brāhmaṇa* v. 2.1.25 (*Hindu Polity*, pp. 207-8) as signifying the conception of kingship as a public trust, *vide Studies in Indian History and Culture*, pp. 334-5.

[6] When Jayaswal (*Hindu Polity*, p. 184) declares kingship in the Vedic theory to be 'elective in its origin', he misses its double conception of the origin of kingship as explained above.

[7] *Kāṭhaka Saṁhitā*, XXIV 9; *Maitrāyaṇī Saṁhitā*, III 7.10; *Taittirīya Saṁhitā*, VI 2.2; *Kapishṭhala-kaṭha Saṁhitā*, XXXVIII 2. The above definition of *Tānūnapatra* is quoted from the work, *The Veda of the Black Yajus School called the Taittirīya Saṁhitā* translated from the original Sanskrit by Prof. A. B. Keith, p. 29 and n.

[8] *Vājasaneyī Saṁhitā*, X 18; *Taittirīya Saṁhitā*, I 8.12; *Kāṭhaka Saṁhitā*, XV, 7; *Maitrāyaṇī Saṁhitā*, II 6.9. Cf. *Śatapatha Brāhmaṇa*, V 3.3.12; 4.2.3.

PART THREE

THE ANCIENT PERIOD

(*B*) THE PRE-MAURYA PHASE

(*c.* 600—325 B.C.)

CHAPTER III

THE BRAHMANICAL WORKS ON SACRED LAW—I THE EARLY *SMRITIS* OR THE *DHARMASŪTRAS*

INTRODUCTORY

We have endeavoured in a previous chapter to show how political thought in the earliest phase of our ancient history flowed along a single continuous stream, namely, that of the oldest Brahmanical sacred literature. In the present period by contrast it is directed along three distinct channels. Representing the old Vedic tradition the latest Vedic schools (*sūtracharaṇas*) give us in the *Dharmasūtras* the first arranged list of duties of the constituent units of the social system, just as in the parallel *Śrauta* and *Gṛihya Sūtras* they lay down the first systematic rules for performance of the old sacrificial ritual and the domestic ceremonies respectively. The political ideas of the *Dharmasūtras* mark a distinct advance on the thought of the *Saṁhitās* of the *Yajurveda* and the *Brāhmaṇas*. For they indicate, in contrast with the disjointed and somewhat rudimentary and dogmatic ideas of the older works, systematic and advanced as well as rational views on such topics as the law of the social order, the authority and obligation of the temporal ruler and the mutual relations of the temporal and the spiritual powers. A new departure is signalised by the canonical works of early Buddhism, which with the lost original canon of Jainism represent the two great religious revolts against Vedic ritualism in the sixth and fifth centuries B.C. Basing their doctrines upon the denial of some fundamental tenets of the Brahmanical religion (such as belief in a Supreme Being and the authority of the *Vedas*), the early Buddhist canonists introduce us to fresh and daring speculations into the origin of the social and the political order and the relation of politics to ethics, while their republican environment leads them for the first time to analyse in a concrete instance the strong as well as the weak points of this particular type of polity. A new and richer leaven is introduced into the general ferment of ideas by the schools and individual authors of the technical works on polity (*Arthaśāstra*) who brought into being an independent branch of learning avowedly concerned with the acquisition and preservation of dominion. The speculations of these thinkers, unlike those of the Brahmanical and Buddhist canonists, range over the whole body of the king's internal administration as well as inter-State relations, while they betray for the first time an objective (we might almost say, scientific) approach to the study of these problems. Summing up the above, we may say that in the sphere of our ancient political ideas the age of experiment, as it may be called, is now over and that of growth and development has begun.

Before embarking upon our examination of the political notions and conceptions in the *Dharmasūtras*, it seems desirable to make some general remarks about their antiquity, their place of origin and their composition. We know that definite references are made to sages versed in *Dharmaśāstras* in the *Dharmasūtra* work of Gautama, while they are quoted by name in the works of Āpastamba and Baudhāyana. Indeed there is reason to believe that the beginnings of formal treatises on *dharma* go back before the time of Yāska, author of the *Nirukta* (c. 800 B.C.). Among the extant works of this class that of Gautama is generally held to be the earliest, with the works of Āpastamba, Baudhāyana and Vaśishṭha following the same in chronological sequence. In the second place, reasons have been given for the view that the teachers who gave their names to these works belonged to different parts of our country. For while Vaśishṭha may have belonged to Northern India, Baudhāyana probably and Āpastamba certainly belonged to the South. In the third place, while the *Dharmasūtras* conform to a uniform literary type, namely, that of short aphoristic manuals that were intended to be taught orally by the teachers and memorised by the students, the existing compositions of this class present a somewhat complex aspect. For it has been shown that the original *Dharmasūtras* were more or less remodelled by later writers. This remark applies specially to the extant *Vishṇu-Smṛiti* which goes back in some of its portions to the times of Gautama and Āpastamba, but which as a whole is a recast of the original with numerous additions from the Vaishṇava point of view. In the present chapter we have endeavoured to distinguish the later portions of the *Dharmasūtras* whenever this has been possible in the light of the internal evidence. Finally it has to be mentioned that the only complete work of this class besides those above mentioned is the *Dharmasūtra* of Satyāshāḍha Hiraṇyakeśin, which however has no independent interest as consisting mostly of variant readings from the work of Āpastamba. All the other *Dharmasūtras* like those of Atri, Uśanas, Devala, Bṛihaspati, Sumantu, Hārīta and Śaṅkha-Likhita are known only from quotations by the later writers.[1]

IDEA OF THE SOCIAL ORDER—CONCEPTION OF STATE LAW AND STATE JUSTICE

In analysing the political ideas and principles of the *Dharmasūtras* let us consider first their treatment of the old Vedic concept of the social order. We begin with an extract (I 10.18.2–6) of Baudhāyana relating to the Vedic dogma of divine creation of society (pp. 19, 22). The Creative Principle (Brahman), it says, placed its majesty (*mahiman*) in the Brāhmaṇa together with (the duties and occupations of) study, teaching, sacrificing for themselves and for others as well as making and receiving gifts, for the purpose of preserving the *Vedas*; it placed strength (*bala*) in the Kshatra together with (the duties and occupations of) study, sacrificing, making gifts, using weapons, securing the revenue and protecting the created beings for the

increase of the temporal power (*kshatra*); it placed the duties and occupations of study, sacrificing, making gifts as well as agriculture, cattle-rearing and trade in the Vaiśya for the increase of work; it imposed the duty of serving those above mentioned upon the Śūdra. In the above extract, it will be noticed, the author amplifies and develops the old Vedic doctrine so as to attribute the distinctive functions of the four constituent units of the social system (and in the case of the three upper classes their distinctive qualities and the purposes of their creation as well) to the Divine ordination. This seems to set the seal upon the old Vedic conception of Divine origin of the social order so as to mean that the four component units of the social system were completely separated from one another in their status and characteristic attributes in the act of their original creation by the Divine will, while their respective functions were ordained by the Divine dispensation.

The most important and original contribution of our authors to the idea of the social order consists in their development of the late Vedic concept of law (*dharma*) (pp. 22–4), in relation to the same. We have seen in the previous chapter how not to speak of the epithet 'upholder of the sacred law' (*dhṛitavrata*) transferred to the human ruler in the *Śatapatha Brāhmaṇa*, *Aitareya Brāhmaṇa* (VIII 12–13) applies the epithet of 'protector of the law' (*dharmasya goptā*) to the royal sacrificer, thus hinting at the king's guardianship of law. What is more, a text (I 4.11.14) of *Bṛihadāraṇyaka Upanishad* involves the principle of the supremacy of law (*dharma*), *dharma* in this context being held to be the crown of the social structure under Divine dispensation and to be identical with the abstract principle of truth. The above ideas are developed by the authors of the *Dharmasūtras* in two principal directions. In the first place the authors conceive *dharma* explicitly for the first time in the concrete sense of the sum total of the distinctive duties of the constituent units of the social system comprising the four castes (*varṇas*) and the four orders (*āśramas*) as well as the individual king who is, as it were, *sui generis*. This involves the conception of a law of the social order which is supreme over its members. In the second place, the *Dharmasūtras* seek to enforce the observance of this principle of *dharma* by old and new sanctions. The king, we read (Gautama, IX 9–10), should lead back to the path of duty those who have left it. More specifically we are told that the king should impose the penalty of secret confinement upon one who has violated the duty of his order (Āpastamba, II 10.27.18–19), and that he should fix the four castes in their respective duties and punish them in the event of their default (Vaśishṭha, XIX 7–8). In more general terms it is stated (Vishṇu, III 3) that the king should make the four castes and the four orders observe their respective duties. The four castes and the four orders, we are further told (Gautama, XI 29–30), by completely fulfilling their duties enjoy after death the rewards of their works and by virtue of a remnant of their merits they are born again in excellent castes and families and so forth, while by contrast those acting contrariwise perish

and are again born in various evil conditions : men of the lower castes by fulfilling their duties, we read in another extract (Āpastamba, II 5.11.10–11), are born in the next higher one, while those of higher castes by neglecting their duties are born in the next lower one. In the above extracts, it will be observed, the authors push forward the old Vedic conception of the king's guardianship of law to its logical conclusion so as to invest him with the obligation of enforcing it by the arm of political authority. What is more, they invoke for the first time the law of *karma* (meaning the reaction of deeds done in a previous birth upon the present condition of man) to lend additional sanction to the observance of *dharma* by the individuals concerned.

Parallel to this specific interpretation of *dharma* in our authors' thought as explained above is their concrete view of its sources. The sources (*mūla*) of *dharma*, says Gautama (I 1–2) in introducing his work, are the entire *Veda* and the traditions (*Smṛiti*) as well as practices (*śīla*) of those versed in the same. Baudhāyana begins his work (I 1.1.1f.) by announcing his intention to declare the *dharma* taught in each *Veda*, the *dharma* taught in the *Smṛitis* and the practices of cultured persons (*śishṭas*). According to Śaṅkha-Likhita (Kane, nos. 1–8) *Śruti* and *Smṛiti* as well as good custom are the sources of *dharma*. Explaining the order of precedence of these sources Vaśishṭha (I 4–5) observes that *dharma* is ordained by the *Śruti* and the *Smṛiti*, and on failure of these the usages of cultured people (*śishṭas*) are authoritative. In another extract (VI 17) Vaśishṭha, after declaring usage (*āchāra*) to be the highest duty of all men, observes on the authority of Manu (Manu's lost *Dharmasūtra*?) that usages (*dharma*) of regions, castes and families are authoritative in the absence of rules of the *Veda*. Again Āpastamba (I 1.1.1–2), after announcing his intention to speak about *dharmas* that are based upon convention (*samaya*) and usage (*āchāra*), observes that the authority for these consists firstly in the conventions of those learned in the *dharmas* and secondly in the *Vedas*. Elsewhere (II 9.23.10) he declares on the authority of those learned in the three *Vedas* that the *Vedas* are the highest authority. It follows from the above that the three sources of *dharma* in the descending order of their authority are the *Vedas* (*śruti*), the Sacred Tradition (*smṛiti*) and good custom or usage or convention (variously called *sadāchāra*, *śishṭāchāra*, *āchāra*, *śīla* and *samaya*).[2]

In the above extracts it has been shown that the Sacred Canon is the primary source of *dharma*. A remarkable development of this principle is found in an evidently late text of Vishṇu (quoted in *Smṛitichandrikā*, *Saṁskārakāṇḍa*, 4). The four sources of *dharma*, namely, the *Vedas* and their auxiliaries, Manu and the *Purāṇas*, it says, must not be rejected by the application of (false) reasoning (*hetu*). This involves a doctrine that is repeated in some of the later *Smṛitis*, namely, that of infallibility of the canon as a source of *dharma*. As regards usage the authors of the *Dharmasūtras* habitually define it in such terms as to emphasize the vital role of

the wisest and the most virtuous members of the community (the so-called *śishṭas*) and of the most approved geographical region (*Āryāvartta*) in fixing its standard.[3] We have, however, an interesting discussion of the validity of heterodox usages in a famous text (I 1.2.1–8) of Baudhāyana. Here the author, referring to a dispute (*vipratipatti*) on the subject of parallel sets of five unorthodox practices prevailing in the South and the North respectively, first observes that while one incurs blame by following the practices elsewhere, one may follow the authority of his particular region. But the author immediately afterwards declares on the authority of Gautama the above view to be false, and he forbids observance of both sets of practices on the ground that they are opposed to the views of cultured men (*śishṭas*) and the Smṛitis.[4] The above extract evidently refers to a conflict between two schools of *Smṛiti* thought which we may call the liberal and the conservative, the former justifying the unqualified supremacy of popular usage, and the latter subordinating the same (in accordance with the traditional view of the order of precedence of the sources of law) to the higher authority of the canon and enlightened opinion. Baudhāyana's position in this conflict of ideas is somewhat inconsistent, for while he begins by ranging himself on the side of the former school, he abruptly ends by submitting to the view of the latter school.

In conceiving the canon to be the core of *dharma* and still more in stating the doctrine of canonical infallibility the authors of the *Dharmasūtras* give expression to the dogmatic aspect of their thought inspired no doubt by the old Vedic tradition (pp. 19, 22). We have now to examine how this aspect was modified by the rational ideas of our authors based upon their appreciation of the interests as well as the opinions and sentiments of the people. Dim and imperfect as are these statements, they involve a number of fundamental principles that were destined to be fully developed in the thought of the later canonists.

Let us consider in the first place the general significance of our authors' references to the distinctive features of the law of the social order. Not only do they distinguish between the duties of the constituent social units, but they also fix the distinctive duties of the upper classes in times of distress (*āpaddharma*) in contrast with their normal duties. This evidently involves the doctrine of relativity of *dharma*, the bundle of duties being held to depend not only upon the inherited station in life (and by implication the capacity) of the social units, but also upon their changed economic condition. This last conception implies an important *Smṛiti* principle, namely, that of the individual's paramount right of self-preservation which in the present instance is held (within well-defined limits) to override his normal obligations under the law. In so far as the king is concerned, whilst he is held to be subject like the rest to his distinctive duties in normal times, Gautama makes two striking comments. The king, he says in one place (X 17), incurs no blame by slaying foes in battle. Elsewhere (XIV 45) he says that kings are always exempted from ceremonial impurity, lest their work

(*kārya*) be interrupted. These two passages seem to imply that the king's office justifies (on occasions) his breach of conventional morality, while his interests override (within certain limits) the canonical injunctions. How these rudimentary ideas were developed by the political theorist in the *Mahābhārata* into the doctrine that the ethics of the king's conduct is independent of conventional moral standards and that the policy of the State is justified in the last resort by its own end is told below (pp. 227ff.).

We shall consider in the second place the views of our authors relating to the function of the people (and more especially the councils of the learned) in supplementing and interpreting the law of the social order. The knowledge which women and Śūdras possess, says Āpastamba (II 11.29.11 & 15) in the concluding chapter of his work, is the completion of all learning, a point which is explained by his later statement made on the authority of some teachers, namely that the remaining *dharmas* shall be learnt from women and men of all castes. This means that the lore of the common folk is the residuary source of *dharma* after the exhaustion of the sources known to the *Dharmasūtras*. More important than the above is a second group of texts explaining the role of the council of the learned in the development of *dharma*. In cases for which no rule has been given (*anājñāta*), says Gautama towards the conclusion of his work (XXVIII 48–51), the course shall be followed which is approved by a Council (*parishat*) of at least ten members with specified qualifications: on the failure of the *parishat*, he continues, the decision of one learned Brāhmaṇa (*śrotriya*) who is versed in the *Vedas* and who is a *śishṭa* is to be followed, for 'such a man is incapable of (unjustly) injuring or favouring created beings'. On failure of the first three sources of *dharma* (namely, the *Vedas*, Sacred Tradition and the practices of the *śishṭas*), says Baudhāyana (I 1.1.7) at the beginning of his work, the *parishat* consisting of at least ten members shall decide the points of *dharma*. How the *parishat* is to be constituted in groups of members with distinctive qualifications, is told by Baudhāyana in the same context (I 1.1.8) as well as by Vaśishṭha (III 20). This is accompanied by an emphatic plea for disqualification of Brāhmaṇas without learning or character. The spirit of this teaching is illustrated by the dictum of Baudhāyana that four (or three or one) blameless men may decide questions of the sacred law, but not a thousand fools. Where the *Smṛiti* is silent, says Śaṅkha (Kane, no. 9), reference should be made to the assembly (*samavāya*) of those learned in the Vedas for arriving at a decision. These passages involve an important principle, namely, that of interpretation of supplementary points of the law by Councils of the learned (corresponding somewhat to the *responsa prudenta* of early Roman Law) so as to provide for the growing needs of society.

We may mention in the next place a third group of texts pointing to the role of enlightened opinion in fixing the standard of *dharma*. Those religious acts which persons deeply versed in the three Vedas and in the Sacred Law (*dharma*), declare to be lawful, says a quotation in Vaśishṭha

(I 16), are efficient for purifying oneself and others. '*Dharma* and its opposite', says Āpastamba (I 7.20.6) in more picturesque detail, 'do not go about and say, "Here are we", nor do gods, *Gandharvas* and Manes say to (men), "This is virtue, that is sin"; on the contrary whatever on being performed is praised by the Āryas' (i.e. men of the first three castes) 'is *dharma*, and whatever they blame is its reverse'. 'One should', the author concludes (ibid. 7–8), 'regulate his course of action according to the conduct (*vṛitta*) which is unanimously approved of in all countries by Āryas who have been well disciplined, who are aged, who have controlled their senses and who are not hypocrites'. Elsewhere (II 11.29.13–14) Āpastamba, while stating that *dharma* can be learnt not only by relying upon the letter of the canon (*āmnāya*) but by following its indications (*lakshaṇa*), quotes afresh the above-mentioned text relating to the judgement of the Āryas as the standard of *dharma*. It therefore follows that the judgement of the cultured upper classes (and not any supposed intuition or divine revelation) is the criterion for determining *dharma*.

The last group of extracts in the *Dharmasūtras* to be considered by us in the present context is concerned with the question of the validity of ancient evil practices running counter to the prevailing moral sentiment. The violation of *dharma* (*dharmavyatikrama*) and violence (*sāhasa*) that are observed among great men (in the past), says Gautama in one place (I 3), have no authority, because (as the author says with pardonable respect even for the failings of antiquity) of the weakness of men of later times. *Dharmavyatikrama* and *sāhasa*, observes Āpastamba (II 6.13.8–10), repeating Gautama's text, are observed among the ancient sages who, however, incurred no sin on account of the greatness of their lustre, but a man of later times following their example falls into sin. One should not, says an evidently late text (LXXI 84–5) of Vishṇu recalling a famous passage (II 21) of *Yājñavalkya-Smṛiti* to be quoted later, practise even the *dharma* when this is repugnant to the people (*lokavidvishṭa*). More complex than the above is Āpastamba's attitude towards the question of validity of authoritative customs and usages of a worldly character. Explicit Vedic texts, he says in one place (I 1.4.8–9), while justifying his ban on certain articles of food and toilet for the Vedic student, have greater authority than custom for which such texts can only be inferred, and again that acts based upon worldly motive in the shape of deriving pleasure therefrom have less authority: conventions (*samayas*) and precepts (*vidhis*) of Āryas, the author explains in the second passage (I 4.12.8–12) while prescribing rules for the daily study of the Veda by the householder, are based upon Vedic (lit. *Brāhmaṇa*) texts which are now lost, but whose existence can be inferred from usage, and these are not authoritative when attributable to worldly motive or love of pleasure.

The above extracts are important for two reasons. In the first place they involve the principle that ancient evil practices are invalidated by conflict with the current moral standards of the people, a principle based upon the

fiction of greater stamina of the ancients as compared with the moderns. The later text of Vishṇu, dropping this transparent excuse, boldly proclaims the general principle that canonical injunctions are invalidated by reason of conflict with the public sentiment. In the second place the extracts, while conceding to the authoritative practices by the fiction of lost Vedic texts their ultimate basis in the *Vedas*, hold that their authority is relatively unimportant and is invalidated in the event of their worldliness. The principles of the *Dharmasūtras* quoted above in modification of their dogmatic attitude towards the law of the social order form an important landmark in the development of our ancient political ideas. For they give us the first concrete expression on a large scale, of the spirit of Indian rationalism in its application to the theory of the society and the State.

Parallel to the conception of the sources of *dharma* noticed above in our present works is our authors' idea of the sources of 'the State law' (meaning the law administered at the king's court). The king's administration of justice, says Gautama (XI 19–21), shall be regulated by the *Veda* and its auxiliaries as well as the minor *Vedas*, *Dharmaśāstras* and *Purāṇas*: the customs (*dharma*) of regions, castes and families have also authority, provided they are not opposed to the canon (*āmnāya*): cultivators, traders, herdsmen, money-lenders and artisans are also authorities (*pramāṇam*) for their respective groups (*varga*). In the last case, Gautama explains, the king shall ascertain the law from those who have authority over their respective classes and shall give his legal decision (*dharmavyavasthā*) accordingly. The king, says Vaśishṭha (XIX 7–10) more briefly, shall fix the four castes in their respective duties (*svadharma*) after considering the usages (*dharma*) of regions, caste sub-divisions and families. The above extracts involve the conception of a twofold source of the State law, namely, the Sacred Canon (in all its branches) and custom (or convention) of the various local, social and economic groups. This seems to be a corollary of the above view of the threefold source of law of the social order, namely, the Vedas, the *Smṛitis* and good custom.[5]

From the above analysis of the sources of State law let us turn to our authors' ideas of the nature of State justice (meaning justice administered at the king's court). Reasoning (*tarka*), says Gautama (XI 23–4), is a means of arriving at truth and the king coming to a conclusion through this shall decide accordingly. He alone and no other, says an anonymous (*Dharmasūtra*) text (quoted in *Smṛitichandrikā*, II 1. p. 85), knows the *dharma*, who seeks (the truth) through reasoning (*tarka*). Should the four castes, observes Vaśishṭha (XVI 4–5), stray from their duties, the king shall visit them with punishment (*daṇḍa*), the *daṇḍa* in cases of assault and abuse being fixed after considering various factors (namely, place and time, the duties, age and learning of the parties and the seat of the injury) and in accordance with the canon (*āgama*) as well as precedent (*dṛishṭānta*). In the above extracts the authors seem to imply that justice administered by the king is human reason in its application to the sources of the State law. Criminal

justice in particular involves an elaborate examination of all the relevant factors in the suit along with the application of the twofold source of the law, namely, the Sacred Canon and judicial precedent.

The theory of the social order explained above reflects likewise the *Dharmasūtra* idea of the relation of Politics to Ethics. In the scheme of duties of the castes and orders enjoined by the *Dharmasūtras* the duty of protection is reserved for a special class, namely the Kshatriyas. It is the king, the Kshatriya *par excellence*, who is specifically charged with this obligation. The king's functions, however, are set forth in the *Dharmasūtras* not by themselves, but as part and parcel of the whole duty of this personage, and in a wider sense as an incident in a comprehensive scheme of duties of the social units. Politics, in other words, in the sense of the sum-total of the king's duties, is here conceived to be not an independent science, but a branch of individual and social ethics.

AUTHORITY AND OBLIGATION OF THE TEMPORAL RULER

The ideas of kingship in the *Dharmasūtras* involve a remarkable development of the twofold principle expressed or implied in the conceptions of the *Yajus-Saṁhitās* and the *Brāhmaṇas*, namely, that of authority and obligation of the temporal ruler. As regards the former principle we may first quote a few texts reminiscent of the old Vedic conceptions of divine ordination and divine affinity of the temporal ruler (above, p. 24) without associating the same with the omnipotent sacrifice. In Baudhāyana's theory of the origin of the social order (above, p. 42) the Kshatriya is said to have been invested with strength by the Creative Principle for the purpose of strengthening the temporal power: again according to Yama (quoted in Vaśishṭha XIX 8) the king enjoys the prerogative of constant immunity from ceremonial impurity as he occupies the seat of Indra. According to the above extracts the Kshatriya ruler (or the king) derives his authority by virtue of the divine purpose of his creation and because his office is the symbol of that of the Divine ruler. In other passages it is sought to base the authority of the king upon a more original interpretation of his office and functions. The king and the Brāhmaṇa of great learning and high character, says Gautama (VIII 1–3) after a famous text (V 4.4.5) of *Śatapatha Brāhmaṇa* partially quoted above (p. 25), are upholders of the Sacred Law: 'on them', so runs the author's explanation, 'depends the existence of the twofold human race (namely, the four castes), of internally conscious beings and of those which move on feet and on wings, as well as the protection of offspring, the non-mixture of castes, and lastly *dharma*'. The advice of the spiritual preceptor (*āchārya*) and the punishment (*daṇḍa*) inflicted by the king, says Gautama in another place (XI 31–2), protect the people, and hence they are not to be abused. The pious householder, observes Āpastamba (II 11.28.13), must not speak evil of either the gods or the king: again he says (I 11.31.5) that the would-be householder must avoid speaking harshly against the king. In the above extracts the king's office along with that of

the learned and virtuous Brāhmaṇa is held to be the safeguard of public security (in the widest and the most universal sense of the term) as well as the stability of the social order (with its strict rules relating to intermarriage between the castes): in fact they are declared to be guarantees of the fundamental law of the social order. Again we are told that the king's function is protection through the application of his coercive authority, in this matching the Brāhmaṇa preceptor's function of protection through advice. Evidently in the light of the above conceptions the further corollary is drawn about the people's duty of obedience towards their ruler.

The most original aspect of the theory of kingship in the *Dharmasūtras* is concerned with their principle of the king's obligation towards his subjects. Thus in the first place Baudhāyana, in his account of the origin of the social order (I 10.18.2–6) quoted above, accompanies his doctrine of the Kshatriya's Divine creation with that of the Kshatriya's divinely ordained function of protecting the creatures. In the second place we are repeatedly told (Gautama, X 7 ; XI 9, Vaśishṭha, XIX 1, Vishṇu, II 12 ; III 2) independently of the king's divine ordination that his distinctive duty is the protection of creatures. Thirdly and lastly, while Baudhāyana (I 19.10.1) asks the king to protect his subjects with one-sixth (share of the produce) as his fee (*shaḍbhāgabhṛitaḥ*), Gautama (X 28) observes that the king takes his specified taxes since the protection of the subjects is his duty (*dharma*). The above extracts involve a threefold principle of the king's obligation towards his subjects which may be called the divine, the ethico-religious and the quasi-contractual. The first principle means that the king's obligation of protection is imposed upon him by his Divine ordination : the second and the characteristic principle of our authors means that protection is imposed upon the king by the law of his order which is part and parcel of the comprehensive law binding all units of the social system and having its source primarily in the Vedas : the third principle implies that the king is bound to protect his subjects in return for the taxes paid by them.[6]

We can trace the far-reaching influence of the twofold principle of the king's authority and his obligation upon different aspects of our authors' thought. In the branch of State law we find Vishṇu (III 34 ; V 10 and 14) including in a list of offenders punishable with death those who cause injury to the seven constituents of the State (*prakṛiti*), those who forge royal edicts and writs, and those who though of humble birth aspire after sovereignty. According to Śaṅkha-Likhita (Kane, no. 316) death or mutilation is the penalty for using forged edicts or disregarding the king's orders. Ownerless property and the property of persons dying without heirs as well as mines and treasure-trove, we are further told (Gautama, X 36–8; 43–5 ; XXVIII 41–2 ; Vaśishṭha, III 13–14; XVI 19, XVII 83–4 ; Vishṇu, III 55, XVII 13–14), belong as a general rule to the king. On the other hand the king is liable (Gautama, X 46–7 ; Vishṇu, 66–7) to restore stolen property to its owner, or else to pay its value out of his own treasury, Vishṇu extending the benefit of this rule to the owners of all castes. Again the king's rights in respect of

heirless property and of treasure-trove as indicated above are declared (Gautama, x 44, xxviii 41 ; Vaśishṭha, iii 14, xvii 84 ; Vishṇu, xvii 13) to be inapplicable where Brāhmaṇas are concerned. It follows from the above that the State law, while securing the king's authority and his property-rights, charges him with the obligation of protecting the property of his subjects and imposes restrictions upon his own rights of property.

The influence of the double principle of the king's authority and his obligation can be traced likewise in the laws of penance in the *Dharmasūtras*. The murderer of a king, says Gautama (xx 1), even if he be one's father, must be cast off, while Vishṇu (l 11) prescribes for this crime the severe penance called *mahāvrata* ('great penance') for twice the number of years (namely, twelve) laid down for the murder of a Brāhmaṇa : also according to Baudhāyana (ii 2.4.15) and Vishṇu (xxxvi 4) connection with the king's wife (*rājabhāryā*) is as heinous a sin as the violation of the preceptor's bed. On the other hand the king, says Gautama (xii 48), is liable to a penance if he fails to inflict punishment (*daṇḍa*): when a guilty man, says Vaśishṭha (xix 40–43) more fully, is set free, the king and his domestic chaplain (*purohita*) shall fast for one (day and) night and three (days and) nights respectively, and when an innocent man is punished, they shall fast for three (days and) nights and the *purohita* shall perform the *kṛichchhra* penance, in the list of those whose food is forbidden to householders of the upper classes Vaśishṭha (xiv 8) includes the king who fails to slay one deserving death.

The rules of ceremonial impurity in the *Dharmasūtras* reflect vigorously the principle of the king's authority. No taint of impurity, says Yama (quoted in Vaśishṭha xix 48) in general terms, falls on kings for they occupy the seat of Indra : according to another quotation (ix 47) in Vaśishṭha kings become immediately pure (by bathing) after committing acts causing death, while they remain constantly pure when committing acts not causing death. No impurity, observes Vishṇu (xxii 48 and 52), befalls the king who is engaged in his performance of royal duties, nor does it befall those carrying out his orders if he so desires. Death at the king's hands, observe Gautama (xv 10) and Vishṇu (xxii 47), releases the relatives at once from impurity, while the death of the king is held to cause impurity for three (days and) nights (Śaṅkha in Kane no. 46) or for one (day and) night (Vishṇu, xxii 45). Vedic study, it is further observed (Gautama, xvi 32 ; Baudhāyana, i 11.21.4 ; Śaṅkha in Kane no. 46 ; Vishṇu xxx 23) is to be interrupted at the death of the king, Vishṇu adding (lxviii 5) that this should be done even when the king is in distress.

The general ideas of kingship in the *Dharmasūtras* testify for the most part to the principle of the king's high social status. The king is entitled not only to the guest-offering (*arghya*), but also to the higher honour of honey-mixture (*madhuparka*) (Gautama, v 30–31 ; Āpastamba, ii 4.8.6–7 ; Baudhāyana, ii 3.6.37 ; Vaśishṭha, xi 1–2): the king is included (Gautama, vi 24–5 ; Āpastamba, ii 5.11.5–6 ; Vaśishṭha, xiii 59 ; Vishṇu, lxiii 51) in the list of those for whom way must be given, it being specially mentioned

that this right is next only to that of the Brāhmaṇa (or alternatively, the learned Brāhmaṇa or the Vedic student who has just returned home): the king with his wives of equal status and other female relatives is included (Vishṇu, XXII 1f.) in the list of persons who are equal in status to the spiritual preceptor. Declaring that the king is the master of all, with the exception of the Brāhmaṇas, Gautama (XI 7–8) says that all other than Brāhmaṇas are to wait upon the king, who should occupy a higher seat while the Brāhmaṇas also shall honour him. A Vedic student returning home after completion of his studies can beg from the ruler and no other (Vaśishṭha, XII 2): a servant who is not a learned Brāhmaṇa must not even pronounce the king's name in salutation (Gautama, VI 13). A discordant note is struck by Śaṅkha (quoted by Vijñāneśvara on Yājñavalkya, I 164–5) who includes the king and his domestic chaplain in the list of those whose food is forbidden. The above extracts reflect a conflict between two principles, one based upon the conception of the high significance of the king's office and functions, and the other founded upon that of the immorality of statecraft, the former principle being in overwhelming preponderance over the latter in our authors' thought.

It remains for us to notice the remarkable theory of sanctions in our present works in respect of the king's obligation of protection. The king by protecting the beings, says Vaśishṭha (XIX 1–2), attains success, and this constitutes for him a life-long sacrificial session (*satra*) performed without fear and without pity : not by vows, says Śaṅkha (quoted in Lakshmīdhara's *Rājadharmakāṇḍa*, p. 85 ; Mitramiśra's *Rājanītiprakāśa*, p. 255), nor by religious fasts, nor by various sacrifices the king wins heaven so much as by protection. A remarkable development of this doctrine is found in other passages. The king, says Gautama (XI 11) in the course of his enumeration of the king's duties, obtains a share of the spiritual merit (gained by his subjects). The king takes from his subjects, says an evidently late text (III 28) of Vishṇu, one-sixth of their good as well as bad deeds. Referring to the king's administration of justice, Gautama (XI 25 and 42) observes that the king deciding a law-suit justly obtains high bliss, and that the king who does not slay a thief incurs sin. Again Āpastamba, while declaring (II 5.11.4) that the king punishing the offenders gains both the worlds, observes (I 9.25.5) that if he fails to punish the guilty, the guilt falls upon him, while according to Śaṅkha-Likhita (Kane, no. 317) the thief casts his guilt upon the king who releases him. When there is a violation of the Sacred Law or of rules relating to worldly matters, says Gautama (XIII 12) more fully, the guilt is shared by the witnesses, the assessors, the king and the suitor. When there is miscarriage of justice, says Baudhāyana (I 10.9.10) more precisely, one-quarter of the sin falls upon the suitor, one-quarter upon the witnesses, one-quarter upon the assessors and one-quarter upon the king, but when those deserving censure are punished, the king and the assessors are exempted from sin which falls entirely upon the offender.

The above extracts involve for the first time the application of the law of *karma*, the corner-stone of the Indian systems of philosophy and ethics, to the principle of the king's obligation. The king, we read, wins high spiritual merit or incurs sin according as he fulfils his function of protection or fails to protect his subjects. Secondly, the extracts introduce us to the principle of the double transfer of the *karma* of the subjects to the king who is said to share in their spiritual merits or demerits in accordance with the degree to which he fulfils or fails to fulfil his obligation. Further, the king who fails to punish crimes is condemned to a share of the criminal's *karma* equally with those taking part in the trial. How the former principle was developed in the later *Smṛitis* (as in the late text of Vishṇu quoted above) into the conception of the king's earning one-sixth (or other) share of his subjects' spiritual merits and demerits, according to his protection or otherwise of themselves, will be told in the following chapters.

The king's function of administering justice may be traced back by means of indirect allusions to the Ṛigvedic times, and it is shown by similar evidence to have been continued during the period of the *Yajus-Saṁhitās* and the *Brāhmaṇas*. In the present period the infliction of punishment or more generally of coercive authority (*daṇḍa*) by the ruler is recognised as one of his distinctive occupations. In the course of his enumeration of the occupations of the classes and the orders, Gautama (x 8) observes that the king's additional duties besides those shared by him with the upper classes comprise the protection of all creatures and the just infliction of punishment (*nyāyyadaṇḍatvam*). Punishment and fighting, says Āpastamba (II 5.10.6), are the additional occupations of the Kshatriya over and above those shared by him with the Brāhmaṇa and the Vaiśya. Describing the application of the king's *daṇḍa*, Gautama (XI 28) says that the king shall restrain those who do not restrain themselves and Vaśishṭha (XIX 7–10) more particularly observes that the king shall apply it against those who violate their prescribed duties (*dharma*): according to Vishṇu (III 91; 94; 96) the king shall inflict *daṇḍa* upon the guilty according to the nature of their offence and he shall apply *daṇḍa* justly within his own domain, while no one who has violated his *dharma* is exempt from *daṇḍa*. Of a theory of *daṇḍa* as such there is in our works as yet but a hint. The *daṇḍa* inflicted by the king, says Gautama in a text (XI 33–4) quoted above, protects the people: when *daṇḍa* with black hue and red eyes, says an evidently late text (III 95) of Vishṇu in the words of Manu (VII 25), is at work, the people will prosper, provided he who inflicts it discerns well. In other words *daṇḍa*, subject to the condition just mentioned is the means of ensuring the security and prosperity of the people.

CIVIL RIGHTS OF THE SOCIAL CLASSES

The *Dharmasūtras* introduce us for the first time to an important principle bearing upon what may be called civil rights of upper-class individuals. The *Smṛiti* rule relating to the distinctive occupations of the four castes,

it is true, is sufficiently strict. Thus according to Gautama (VII 6) the Brāhmaṇa on the failure of his lawful occupations may live by the occupation of the Kshatriya : Baudhāyana (II 2.4. 16–18) allows a Brāhmaṇa who is unable to live by his lawful occupations to maintain himself by following the duties of the Kshatriya. Laying down the general rule on this point Vaśishṭha (II 22–3) declares that those who are unable to live by their lawful occupations may adopt that of the next lower caste, but not that of the higher caste : repeating the above in part, Vishṇu (III 15) permits each caste to follow the occupation of the next lower one in times of distress. The logical corollary of these rules would be to exclude the Vaiśya and the Śūdra for all time and the Brāhmaṇa in normal times from the Kshatriya's profession of fighting. How strictly this latter rule was interpreted by our authors is shown by other examples. Āpastamba (I 10.29.6) forbids a Brāhmaṇa to take up a weapon in his hands even for the purpose of its examination. Even Baudhāyana, immediately after allowing the Brāhmaṇa in distress (as stated above) to follow the Kshatriya's occupation, forbids this on the ground that the duties of the Kshatriyas are too cruel for a Brāhmaṇa, and he justifies himself (curiously enough) by quoting the authority of Gautama. And yet our authors repeatedly permit individuals of the upper classes not belonging to the order of Kshatriyas to take up arms in defence of their rights. According to Vaśishṭha (III 24) the Vaiśya and the Brāhmaṇa may take up arms in their own defence and for preventing the intermixture of castes : Baudhāyana (loc. cit.) concludes his series of contradictory statements by quoting an anonymous text which authorises the Brāhmaṇa and the Vaiśya to take up arms on three occasions, namely, for the protection of cows and of Brāhmaṇas and for countering the threat of intermixture of castes : finally Vishṇu (III 45–6) observes in more general terms that those who have been killed in protecting their lives or lawfully wedded wives or property or friend or king or Brāhmaṇas or cows, and in preventing intermixture of castes, go to heaven. The above extracts evidently involve the principle of permitting the Brāhmaṇa and the Vaiśya the right of armed defence in their own interest and in that of the community after the *Smṛiti* standards, while withholding from them normally or absolutely or otherwise the profession of fighting. This is in keeping with a principle above mentioned, namely that of adjustment of the law of the social order to the needs, capacities and sentiments of the individual members. The rights accorded to the individuals of the upper classes in the last and most complete of the foregoing passages comprise those of self-defence and defence of the social order (based upon the strict rules of intermarriage between the castes) as well as that of protection of the nearest and most honoured persons and the most cherished dumb animals.[8]

THEORIES OF GOVERNMENT

The *Dharmasūtras* acquaint us with a fairly developed administrative machinery consisting of the king and of his officials with definite executive

or judicial functions. More definitely than in the period of the Vedic *Saṁhitās* and the *Brāhmaṇas* the king is charged with the highest executive, judicial and military functions, while the staff of his officials comprises not only the domestic chaplain (*purohita*), the minister (*mantrī*) and the official (*amātya*) of older times, but also the judge (*prāḍvivāka*), the assessors (*sabhya* and *sabhāsad*), the police officer (*dāṇḍika*) and the jailor (*bandhanika*) as well as officers of the local administration. It is under these circumstances that there arises in the *Dharmasūtras* for the first time what may be called a theory of government. This may conveniently be considered here under two heads, namely, the king and his officials. The *Dharmasūtras*, to begin with, give us the first clear statement of the qualifications of the temporal ruler. The king, says Gautama (XI 2), shall be fully instructed in 'the triple *Veda*' (*trayī*) and 'in philosophy' (*ānvīkshikī*) as well as pure and of subdued senses: the king, observes Vishṇu (III 50), shall avoid indulgence in hunting, gambling, drink and women, and he shall likewise avoid defamation (*vākpārushya*) and assault (*daṇḍapārushya*). The first extract anticipates the two lines along which the prince's training was to develop in the later *Smṛiti* and *Arthaśāstra* thought, namely, those tending towards the development of the prince's intellect and his character. In the second extract reference is made to the moral qualifications of the ruler based upon his avoidance of the well-known *Arthaśāstra-Smṛiti* category of the king's vices (*vyasanas*).

Like the qualifications of the king, those of his officers are dealt with for the first time in the *Dharmasūtras*. The king, says Gautama (XI 4) in general terms, must have assistants (*sahāya*) with good qualities: Āpastamba (II 10.26.4–5) similarly observes that Āryas of good character are to be appointed over towns and villages and that they are to be assisted by subordinates possessed of the same qualifications. The special qualifications of the king's domestic chaplain, the minister, the common officials and others are enumerated by the authors from Gautama downwards. Trusted persons, observes Vishṇu (III 16–21 and 71) more particularly, are to be appointed for the working of mines, for the collection of customs duties and ferry dues and for the care of elephant preserves, while righteous persons are to be appointed for the performance of pious works, skilled men for financial business, heroes for fighting, stern men for acts of rigour and so forth: assistants of learning and character should be entrusted with governmental duties. The above extracts involve the principle of the king's selection of his officials for their general qualifications as well as for their special aptitude for selected posts.

Of a scheme of State structure such as is mentioned in the early Arthaśāstra works, there is in the older *Dharmasūtras* no trace. The seven elements (*prakṛitis*) of the State are mentioned only in a late text (III 33) of Vishṇu and in later works like *Gautama-sūtra* and the *Dharmasūtra* of Sumantu (quoted in *Sarasvatīvilāsa*, *Vyavahārakāṇḍa*, p. 46). As to the relative importance of these elements *Gautama-sūtra* states that the revenue (*kośa*) is the root

of all other elements : with equal originality but much less cogency Sumantu takes *daṇḍa* to mean bodily or pecuniary punishment according to the nature of the offence, while he includes the army (the *Arthaśāstra* equivalent of *daṇḍa*) under the head of *kośa*. These extracts indicate the unbalanced and illogical conception of the State structure in the thought of the later *Dharmasūtras*.

PRINCIPLES AND POLICIES OF GOVERNMENT

We may conveniently begin our analysis of governmental principles in the *Dharmasūtras* with some reference to the attitude of one of the authors on the subject of the comparative merits of two ordinary ends of man's existence, namely, Virtue (*dharma*) and Wealth (*artha*). Worldly objects, says Āpastamba (I 7.20.1–3), must be regarded not as the sole objective, but as accessories for the pursuit of *dharma*, and therefore the latter must be followed irrespectively of the former : supporting this principle by a religious sanction, the author elsewhere (I 9.24.23) prescribes a very severe penance for one who prefers *artha* to *dharma* when the two are in conflict. It is in the background of this conception of the superiority of the spiritual to the temporal interests of man that we have to understand the remarkable statements of the principles of government by our authors. The king, says Gautama (XI 2 & 5–6), shall be good (*sādhu*) in his acts and speech, he shall be impartial towards his subjects, and he shall do what is good for them. The king, says Vaśishṭha (I 42, XVI 3, XIX 11–12), should collect one-sixth of the wealth of his subjects by ruling according to law (*dharma*) : when two parties are in dispute, the king shall not side with one of them : the king shall not injure trees bearing fruits and flowers except for the purpose of cultivation. Vishṇu (III 66–7) requires the king to restore stolen property to its owner, to whatever caste he may belong. What is more, not only are selected classes of persons (students, men of Vedic learning, minors, old men and ascetics, men of low occupations, the indigent and the infirm as well as women and so forth) exempted from taxation (Āpastamba II 10.26.10f. ; Vaśishṭha XIX 23–4; ibid. 26: ibid. 37), but some selected groups (such as learned Brāhmaṇas, those who are unable to work even if they are not Brāhmaṇas, eunuchs and madmen whose property has devolved upon the king, women, and marriageable damsels who have been defiled) are required to be maintained at the king's expense (Gautama X 9–12 ; Vaśishṭha XVII 54, XIX 35–6 ; Āpastamba II 10.26.22–3). The king, again, is required to act as guardian of selected classes (such as infants and persons unfit to transact legal business including women) as well as lost and ownerless property (Gautama X 37–8 ; ibid. 48 ; Vaśishṭha XVI 7–9 ; ibid. 19–20 ; XVII 54 ; XIX 35–6 ; Baudhāyana I 10.18.16 and Vishṇu III 65). The aims and objects of the king's government are in accordance with the above detailed references. He alone, says Āpastamba (II 10.25.15), is said to be a welfare-worker (*kshemakṛit*) in whose kingdom, be it in village or forest, there is no fear from thieves. No one in the kingdom, we are further told (ibid. II 10.25. 8–9 ;

ibid. 11), shall suffer hunger, sickness, cold or heat either through want or intentionally : the king's guest-house at the capital shall be open to all guests who are to be provided with rooms, bed, food and drink according to their merits. The king, similarly observes Śaṅkha-Likhita (Kane no. 247), shall make gifts to Brāhmaṇas and others, and he shall provide food and clothing as well as lodging and medicine for the indigent, the diseased and the friendless, those with defective limbs, widows, infants and the aged. Of a more limited scope than the above but still sufficiently elevated in its tone, is the rule of Vishṇu who says (III 79–80) that no Brāhmaṇa or any other person engaged in pious acts (*satkarma*) shall be allowed by the king to suffer from hunger in his kingdom (*vishaya*). Vishṇu (III 98) likewise promises high temporal and spiritual rewards to the king who feels happy in the happiness of his subjects and unhappy in their unhappiness. The above extracts are of high significance in the history of our ancient political ideas. They introduce us for the first time to the conception of a Welfare-State ensuring not only the completest protection of person and property of the subjects, but also an extensive system of State relief for the benefit of the weak and the indigent classes. The twofold objective of the State, it is further observed in terms anticipating a celebrated formula of our times, is freedom from fear and from want. Anticipating likewise the ideal of benevolent autocracy in and outside India in later times, an old *Dharmaśāstra* author pleads for the complete identification of the ruler's interests with those of his subjects.

It is an index of the imperfect development of the State organisation in the period of the early *Dharmasūtras* that they are silent about references to State policy and relations between States. Such references are found in an evidently late extract of *Vishṇu-Smṛiti* (III 35–6 ; ibid. 38–40). The king, we are here told, shall honour the good people and slay the wicked : he shall apply as is required by the time and the occasion, the fourfold policy of conciliation and dissension, bribery and force towards his enemy, his ally, his most powerful neighbour (*udāsīna*) and the neutral king (*madhyama*) : he shall also apply according to the exigencies of the time the sixfold policy, namely, peace, war, attack, neutrality, seeking protection, and the dual policy : he shall select the proper time and occasion for his march. The above extracts repeat some well-known categories and concepts of the technical science of polity (*Arthaśāstra*) which will be dealt with by us in the following chapter. The former relate to the list of the four political expedients, the six forms of foreign policy and the constituents of the State system. The latter are concerned with the application of the political expedients and policies just mentioned to inter-State relations in accordance with the principle of expediency.

We have now to mention a remarkable principle introduced by the *Dharmasūtras* into our political literature, namely, that relating to the king's function of fighting. Describing the distinctive occupations of the king besides those shared by him with the Brāhmaṇas and the Vaiśyas, Gautama (x 13, ibid. 16) says that the king must strive after victory, and again that he

must stand firm in battle and not turn back. Āpastamba (I 10.18.1), while stating his theory of Divine creation of the four castes, observes that the temporal power was created for wielding weapons: again while describing the duties of the castes, he says (II 5.10.6) that fighting is an additional occupation of the Kshatriya over and above those shared by him with the Brāhmaṇa and the Vaiśya. The Kshatriya's duty, says Vishṇu (II 6) in the course of an enumeration of the duties of the castes, comprises practice in arms. How Gautama (x 17) justifying the king's act at the bar of morality observes that the king incurs no blame by injuring or killing his foes in battle has been told in another place. Similarly Vishṇu (III 44) states that there is no duty for kings equal to that of laying down their lives in battle. The above extracts involve the principle that fighting (for victory and without thought of retreat according to the complete account of Gautama) is enjoined upon the Kshatriya ruler (or the king) by the law of his order and is likewise the divine purpose of the king's creation. The attitude of our authors towards territorial conquest is reflected in an evidently late text (III 42–9) of Vishṇu. The king, we read, having conquered the enemy's capital, shall consecrate a prince of the conquered dynasty, and he shall not extirpate that dynasty unless it is of ignoble birth. This extract involves the principle of settlement of the conquered country on the basis of continuance of the reigning dynasty under a dependant of the conqueror. But this generous rule is subject to the condition that the conquered dynasty must not be of low birth.

It remains for us to notice a feature of our authors' statecraft borrowed by them from the old Vedic tradition. Gautama (XI 12–17) requires the king to select a chaplain qualified as regards learning and character, birth, age and physical appearance and to perform (religious) duties with his assistance. The king is further asked to pay heed to what is told by astrologers and interpreters of omens. He is also to perform in the fire of a sacrificial hall propitiatory rites for his own prosperity and imprecatory rites for injuring his enemies. This last direction is repeated by Āpastamba (II 10.25.4.7). These extracts introduce us to an aspect of the *Smṛiti* political thought which was destined to characterize it down to the latest times and which assumed disproportionate importance in the late *Purāṇas* and *Smṛiti* Digests. It is concerned with the conception of supernaturalism and ritualism as a determining factor in Politics.

DOCTRINE OF THE TWO POWERS—THEORIES OF BRAHMANICAL IMMUNITIES AND PRIVILEGES

Let us trace in the next place the development of the old Vedic doctrine of the two powers in our authors' thought. We have seen already (p. 31) how the authors of the Vedic *Saṁhitās* and of the *Brāhmaṇas* conceived this doctrine as the climax of their dogmatic ideas of the inferior origin as well as the low social status and moral stature of the Vaiśyas and the Śūdras in comparison with the rest. The above doctrine is repeated in

two passages (VIII 1–3 and XI 32–3) of Gautama quoted above, which relate to the exceptional status of the highest representatives of the two powers, namely the king and the learned Brāhmaṇa or the spiritual preceptor. These extracts involve the principle that the joint authority of the two functionaries is based upon their co-ordinate function as safeguards of public security and stability of the social order as well as their mutually complementary function in providing respectively for the temporal and the spiritual welfare of the rest.

The discussion of the old Vedic theories of Brahmanical immunities and privileges by our authors is marked by some important developments. In the Vedic *Saṁhitās* and the *Brāhmaṇas* the Brāhmaṇas' elementary rights of person and property are sought to be justified by formidable, if somewhat vague, ideas of their divine favour and divinity, not to speak of their quasi-magical powers (above, pp. 21, 34). The *Dharmasūtras* carry forward the claims of the Brāhmaṇas to a higher pitch and justify these by old and new arguments. To begin with the Brāhmaṇa's private rights, poison, says Vaśishṭha (XVII 86), destroys one person, but the Brāhmaṇa's property destroys him who takes it together with his sons and grandsons, and therefore the Brāhmaṇa's property is the most destructive poison : the Brāhmaṇa's right of way, says Śaṅkha (Kane, no. 86), is superior to that of the king, the opposite view being disproved by the argument that the Brāhmaṇa is the preceptor (*guru*) and is the first born (*jyeshṭha*). Bracketing the spiritual preceptor with the king, Gautama, in the passage quoted above (XI 32–3), observes that the advice of the former and the punishment inflicted by the latter protect the people and therefore they are not to be abused. As for the Brāhmaṇa's public rights, Gautama (XI 25–7), while urging the king to refer disputed questions of law to learned Brāhmaṇas, observes that the temporal power united with the spiritual power upholds gods, Manes and men : again, while asking the king to appoint a domestic chaplain (*purohita*), he says (XI 15–16) that temporal power helped by the spiritual power prospers and does not fall into distress : similarly Vaśishṭha (XIX 4), while justifying this obligation of the king, cites the dictum that a kingdom with a Brāhmaṇa as the king's domestic chaplain prospers. The king, further observes Vaśishṭha (I 43–6), in support of the Brāhmaṇa's claim to exemption from the agricultural tax, obtains one-sixth of the merit which Brāhmaṇas acquire by pious and charitable works (*ishṭāpūrta*) : the Brāhmaṇa enriches the Veda : he rescues from danger : therefore the Brāhmaṇa must not be fed upon : Soma is his king. The Brāhmaṇas, says Vishṇu (III 23–7), are immune from taxation, since they pay taxes in the form of pious acts.

In the above extracts our authors develop the elementary and somewhat indefinite claims of the Brāhmaṇas in the older literature into a body of their definite immunities and privileges, both private and public. These are justified for the most part by the application of the old Vedic dogma of Divine creation of the social order and of the mutual relations of temporal and spiritual powers. The Brāhmaṇa, we read in the first place, is entitled

to the security of his property from robbery because of its extraordinary (almost magical) potency : the Brāhmaṇa's supreme right of way is based upon his superior origin and function, no doubt in accordance with the Vedic theory of Divine creation of the social order : the function of the Brāhmaṇa as mentioned above likewise explains the spiritual preceptor's claim to immunity from censure. In the second place the Brāhmaṇa is entitled to hear disputed questions of law and likewise is entitled to the position of domestic chaplain of the king in accordance with the old Vedic theory of dependence of the temporal power upon the spiritual : the Brāhmaṇa's immunity from the agricultural tax is justified not only by his function of protecting and teaching the people and the fiction of his subjection to King Soma, but also by the original doctrine of the transfer of a share of his good *karma* to the king.[9]

We may consider in the last place our authors' discussion of a problem which was destined to form a subject of controversy among *Smṛiti* authorities almost down to the latest times, namely, the problem of immunity of the Brāhmaṇa desperado (*ātatāyī*).[10] The views of the *Dharmasūtras* on this point indicate a conflict between two schools of thought, which we may call the liberal and the conservative. Thus on the one hand Baudhāyana (I 10. 18. 11–13) specifically excludes the *ātatāyī* from the list of persons whom the king is forbidden to fight, and he supports his dictum by a quotation to the effect that one who slays an *ātatāyī* of high birth and occupying the position of a preceptor does not incur the guilt of Brāhmaṇa-murder, for in that case fury recoils upon fury. Vaśishṭha (III 15–18) declares similarly the slayer of an *ātatāyī* to be immune from all blame, and he quotes in favour of this view not only the above verse of Baudhāyana with slight changes, but also another verse to the effect that one may slay an *ātatāyī* who rushes forth with the intention of killing, even though he may know the whole *Veda* along with the *Upanishads*, and one does not by that act incur the guilt of the slayer of a Brāhmaṇa : a text of Uśanas's *Dharmasūtra* quoted in *Smṛiti-chandrikā* (II 1.730), while mentioning the sin for shedding the blood of Brāhmaṇas, makes an exception against one who has taken up arms and is an *ātatāyī*. On the other hand Sumantu (quoted by Vijñāneśvara on Yājñavalkya II 21) observes that no penance is necessary for killing an *ātatāyī* other than a Brāhmaṇa. In the above extracts, it will be observed, all the authors with one exception agree on the point that the immunity of the Brāhmaṇa's person is nullified by an individual's fundamental right of self-preservation so as to lead to the conclusion that killing a Brāhmaṇa desperado is no murder. This is justified by the remarkable argument that violence begets violence. By contrast Sumantu stands for the principle of absolute and unqualified immunity of the Brāhmaṇa's person.

CHAPTER THREE
NOTES

[1] For the *Dharmasūtra* works, *vide* the exhaustive survey in P. V. Kane, *History of Dharmaśāstra*, vol. I, p. 8f. A list of *Dharmaśāstras* known to us from references in the extant *Smṛiti* works is given by K. V. Rangaswami Aiyangar (*Bṛihaspati Reconstructed*, Introduction, p. 88n.).

[2] For a complete definition of *śishṭas*, *vide* Baudhāyana I 1.1. 5–6. A shorter definition is given by Vaśishṭha (I 6 ; VI 43). '*Dharmas* based upon convention and usage' (Kane's tr. of Āpastamba I 1.1. 1–2 in op. cit. III 825) is preferable to 'practices based upon argument or convention' (Bühler's tr. in *S.B.E.* II after Haradatta's explanation).

[3] Cf. Vaśishṭha I 6–11 ; Baudhāyana I 1.2. 8–9.

[4] This follows the alternative translation of the above by P. V. Kane (*Hindu Customs and Modern Law*, p. 22), the other version adopted by Bühler (*S.B.E.* II) being 'because they are opposed to the traditions of the *śishṭas*.'

[5] The far-reaching conclusions about the legislative authority of trades and crafts drawn by a number of Indian scholars (Dr R. C. Majumdar in *Corporate Life in Ancient India*, 1st ed., p. 6 ; Dr Radhakumud Mookerjee in *Local Government in Ancient India*, 2nd ed., p. 124 ; and Dr Beni Prasad in *The State in Ancient India*, pp. 165–6), as has been shown by the present writer elsewhere (see the paper entitled *The legal and political status of trades and crafts in the early Smṛitis*, in the work *Siddha-Bhāratī*, Part II, pp. 240–50), rest on the somewhat loose rendering of Gautama's text (XI 21) by Bühler, and it is not only unsupported by the authoritative commentators but is also untenable on general grounds.

[6] The statement (A. S. Altekar, *State and Government in Ancient India*, 2nd ed., p. 91 ; cf. P. V. Kane, *History of Dharmaśāstra*, vol. III, p. 27) that Baudhāyana's text quoted on p. 49 means that the king is really a servant of the people, it has been shown by the present writer elsewhere (Presidential address, section A, *Proceedings of the Indian History Congress*, 14th session, 1951), is not only far-fetched, but is contradicted by other texts in the *Dharmasūtras*.

[7] *Sabhyas* in Gautama are evidently identical with *sabhāsads* in Baudhāyana, both meaning assessors, although Bühler somewhat inadvertently translates the former (*S.B.E.* XIV) as 'judges'.

[8] The view (Dr V. P. Varma in *J.B.R.S.* XXXIX, p. 74) that 'since the notion of *dharma* comprehended the basic ideas involved in the concepts of rights and duties and freedom, there is no room in Hindu thought for the concept of political and civil rights of the people' is contradicted by the direct evidence of the texts quoted above. On the other hand the contention (Dr K. P. Jayaswal, *Manu and Yājñavalkya*, p. 34) that Baudhāyana's text in contrast with that of Āpastamba allows the Brāhmaṇa the profession of arms to suit the changed society of the early Śuṅga period, besides involving a hypothetical date and locality for Baudhāyana, ignores the contradictions in the latter's statements, while it overlooks the reference to Brāhmaṇa soldiers in Kauṭilya's *Arthaśāstra* dated '300 B.C.' according to this scholar (*Hindu Polity*, p. 3).

[9] A connected account of the Brāhmaṇa's rights and duties in this connexion, is given by the present writer in his paper, *The status of Brāhmaṇas in the Dharmasūtras* (*IHQ.*, 1947, pp. 83–92).

[10] 'Desperado' (Kane's tr. in op. cit. I 112) is preferable to 'assassin' (Bühler's tr. in *S.B.E.*) in view of the comprehensive definition of the term in Vaśishtha III 16 as comprising six types of criminals, namely, the incendiary, the poisoner, one armed (for killing), a robber, one who misappropriates land, and one who abducts another man's wife.

CHAPTER IV

THE WORKS OF BUDDHIST LITERATURE— I THE PALI CANON AND *JĀTAKAS*

THEORY OF PERIODICAL EVOLUTION OF THE WORLD AND OF MAN AND HIS INSTITUTIONS

THE most original contribution of the early Buddhist canonists to the store of our ancient social and political ideas consists in their formulation of a remarkable theory of the origin of man and of his social and political institutions, a theory based upon their distinctive doctrine of the periodical evolution of the world. An extract of the Pali canon (*Dīgha Nikāya*, III pp. 84–95) entitled *Aggañña Suttanta* ('The Book of Genesis') which purports to consist of a discourse of the Buddha to his disciples, treats the point with dramatic force and vigour in the form of an open challenge of the Vedic dogma of Divine creation of the social order.[1] Two young Brāhmaṇas who have become disciples of the Buddha, we are told, being asked as to how their decision is judged by their compeers, tell the Master that they are condemned by their fellow Brāhmaṇas in strong terms: they have left 'the best class', 'the genuine children of Brahmā born of his mouth', to join 'a low class', the descendants of Brahmā's feet. Rejecting the Brāhmaṇa's title to be the best class in comparison with the rest, the Buddha first shows how good and bad qualities are not the monopoly of one class, and how men are judged by the standard of righteousness (*dhamma*). Refuting in the next place the Brāhmaṇa's claim to descent from Brahmā's mouth, the Buddha traces the whole history of creation in the present world-cycle from the beginning. In impressive language the Master observes how after a long, long period the world is dissolved, the beings having been reborn in the world of the gods of brilliance (*Ābhassara-devas*): then the world begins to evolve again, all having become water, dark, of darkness that maketh blind; no sun or moon, no stars and constellations are seen; and there are neither months nor half-months, neither years nor seasons: the beings descended from the world of brilliance are reborn with the same qualities as before: 'they are made of mind, self-luminous, traversing the air, continuing in glory'. As the earth emerges out of the water like rice-scum odorous and sweet, the beings taste it through greed and lose their self-luminosity, whereupon the Sun and the Moon, the stars and the constellations become visible, and the seasons, months and years make their appearance: as the beings continue to feast on the earth, their bodies acquire solidity and differences of comeliness, and when the fair through pride despise the ugly, the savoury earth disappears: in its place there

appears vegetation at first of a low and afterwards of a high order, and ultimately the huskless self-ripening rice makes its appearance : in proportion as the beings feast upon these, they acquire greater solidity in their bodies : the differences of sex arise with resulting passions among the men and the women. Describing at this stage the origin of property the Master states how the beings filled with lust build households and begin to store rice : as this leads to the disappearance of the self-ripening rice, the beings gather together and lamenting their fall under the influence of evil customs decide to divide and demarcate their rice-fields. How this leads to the institution of kingship or the State is told in the following lines. A certain greedy being, while guarding his own rice-plot, steals another's plot and makes use of it : thereupon the others arrest and censure him for his act ... and they make him promise not to do it again : when nevertheless he twice repeats the act he is struck by the others : thus the four evils of theft, censure, lying and violence come to be known : thereupon the beings gather together and lamenting the appearance of the four evils decide to select a person who should be wrathful when indignation is right, who should censure that which should rightly be censured and should banish him who deserves to be banished, and they agree to give him in return a portion of their rice : as they fix their choice upon the most handsome and capable individual among themselves, he accepts their offer on the above terms : he is successively called by the three 'standing phrases' of *Mahāsammata*, ('one who is chosen by the multitude'), *khattiya* (Skt. *Kshatriya*), ('one who is lord of the fields'), and *rājā*, ('one who gratifies the others in accordance with *dhamma*'). In the following lines the Master describes how this became the signal for the division of social classes. The election of *Mahāsammata* was the origin of the class (*maṇḍala*) of khattiyas. Again as certain beings distressed at the sins of men retired to the forest to meditate while others lived in the outskirts of villages and towns 'making books', they were known by 'the standing phrases', Brāhmaṇas ('those who put away evil'), *jhāyaka* ('those who meditate') and *ajjhyāyakas* ('those who teach the *Vedas*') : this was the origin of the class (*maṇḍala*) of Brāhmaṇas. Others who adopted the married state and became proficient in the trades were known by 'the standing phrase' of Vessas, and this was the origin of the class of Vessas. Still others living by hunting and such low crafts were called Suddas. Again as men of the above classes misprizing their own duties (*dhammas*) left their homes for the homeless life, they were known as recluses. Explaining the origin of each of these classes, the Master adds at the end the refrain, 'Their origin was from those very beings and no others, like unto themselves and not unlike, and it took place according to *dharma* and not according to its reverse'. Finally, the Master says that whoever among these four classes as a monk has destroyed all moral taint and has attained perfect knowledge is declared to be the chief of men in virtue of *dhamma* : for *dhamma* is deemed as the highest by men both in this world and the next.

Such is the remarkable theory of cosmic evolution and the evolution of man and his institutions that is attributed to the Master in the Buddhist canonical text quoted above. In endeavouring to analyse its salient features, we have to observe at the outset that it is presented in the setting of the Buddhist ideas of a cosmic law of periodical dissolution and reconstruction of the universe. In the process of this reconstruction man's part is interpreted as one of retrograde evolution involving his continuous moral and physical decline so as to necessitate the creation of the existing social and political order. In the original State of Nature, we read, the beings lived in a condition of god-like perfection. As they succumbed to the passions of greed and pride, they gradually lost their superior physical and moral stature and were transformed into ordinary humans with the physical characteristics and mental infirmities of that class. A direct consequence of this progressive fall of man was the rise of the institutions of property, the State and society in successive sequence. When the individuals were seized by the passions of sex and greed, they established the institution of property by mutual agreement. The creation of this institution implies the foundation of a rudimentary social organisation for its safeguard by a kind of Social Contract. It was the further fall of man that led to the institution of kingship (or the State) by a similar process. For we read that when the fourfold evil of theft, lying, censure and violence appeared among the people, they made a compact with the most distinguished individual in their midst on terms ensuring their security in return for their payment of the agricultural tax. In this account the origin of kingship is evidently traced to a Governmental Compact between the community and its worthiest member. The completion of the social order in the sense of creation of the standard list of the four classes out of the original undifferentiated stock is held to have been effected by the process of division of labour, the operating factor being the norm (or standard) of the groups concerned. The resulting order of precedence of the classes is in accordance with the Buddhist social pattern in which the Kshatriya takes precedence over the Brāhmaṇa, while the monk of high learning and character is assigned the foremost position in society.

What, then, is the significance of the above theory of the origin of man's social and political institutions ? The defects of this theory are sufficiently obvious. From the point of view of the origin of the State it leads logically to the conception of a Police-State in which the ruler's part is confined to the maintenance of the public order, while that of the people is concentrated on contributing to his support. From the standpoint of the origin of social order the theory unlike its Brahmanical counterpart (above, pp. 19, 22, 42) fails to account for the difference in status of the constituent units. And yet the Buddhist theory occupies an important and distinctive place in the history of our ancient political thought. First, it justifies by reference to historical processes the necessity of the king's office in the interest of the institution of property in particular and the public order in general. It thus

provides a strong historical justification for a characteristic principle of our ancient thinkers from the period of the *Dharmasūtras* (above, p. 49) onwards, namely, the conception of the king's office as the grand safeguard of individual and collective security. Secondly, the compact of the people with their original ruler involved in this theory, in contrast, e.g., with that of the *Mahābhārata* thinker (XII 67) to be quoted later, is clearly bilateral in character in the sense that it imposes upon the ruler the obligation of punishing wrong-doers in return for payment of the customary dues by the people. The theory, therefore, furnishes a proper historical argument for a second characteristic conception of our ancient thinkers, namely, that of the temporal ruler's quasi-contractual obligation of protecting his subjects. We may also add that the Buddhist theory explains the rise of class-divisions, not as in the Brahmanical canon by the dogma of Divine will but by a rational principle, namely the voluntary selection of occupations by the classes concerned under the influence of their respective norms or standards.

RELATION OF POLITICS TO ETHICS

The early Buddhist canonists introduce us to an original conception of the nature of Politics (or as they prefer to call it *Khattavijjā*, 'the Kshatriya science') inspired no doubt by their fundamental ethical ideas. *Khattavijjā*, according to a Pali canonical text (*Dīgha Nikāya* I p. 9), belongs to a group of low arts (*tirachchhānavijjā*) and wrongful occupations (*michchhājīva*) by which false ascetics and Brāhmaṇas in contrast with the perfect Buddha used to earn their livelihood. The striking censure of the science conveyed in the above is explained in a few *Jātaka* stories. In the first story (No. 528) we are told that a king had five ministers who followed respectively the doctrines of disbelief in *karma*, of belief in a Supreme Being, of belief in *karma*, of belief in annihilation, and of belief in 'the Kshatriya science' which last involved the teaching that one might gain his end by killing his parents. When a great ascetic at the king's request began to decide the cases of suitors, the five dishonest ministers being deprived of the opportunity of taking bribes, charged him falsely with treason against the king and forced him to seek safety in flight. Returning to the king's presence after a while, the ascetic demonstrated by a practical example the falsity of the ministers' doctrines. In the course of this demonstration he rebuked the fifth minister by quoting against him his own doctrine that one's interest is to be served even by killing his parents: the followers of 'the Kshatriya science' who are fools thinking themselves to be wise, the ascetic explains, hold that one may kill his mother, father, elder brother, wife, or son, should the occasion arise therefor: by contrast the sage observes on the analogy of a man lopping off the branch of a tree under whose shade he sits and rests, that it is sinful to turn against a friend. In the course of his subsequent long admonition to the king the ascetic repeatedly brands the five ministers as fools who think themselves to be wise, and as bad men who themselves commit sin and tempt others to do the same. In a

second story (No. 546) a king speaking to a sage explains the mystical sayings of Kshatriyas (*khattiyamāyā*) to mean that one should rescue his distressed self by any means gentle or severe and afterwards practise righteousness : to this the sage replies by rebuking him in the words quoted above about the sinfulness of turning against a friend. In a third story (No. 537) when a virtuous prince returning to a man-eater in accordance with his plighted word is twitted by the latter on his knowledge of the astral lore (*nakkhattadhamma*) to the evident neglect of Kshatriya duties (*khattadhamma*), the prince replies (v p. 490) that he has repudiated those duties as being contrary to morality : those who are versed in *khattadhamma*, he explains, are mostly doomed to live in hell, and therefore he has in disregard of the same come back true to his plighted word so that the monster may make a meal of him.

The above extracts are important for two reasons. Firstly, the Kshatriya science is here matched with such philosophical systems as theism, determinism and nihilism. In other words it is conceived to be a systematised body of knowledge which we may identify for all practical purposes with *Arthaśāstra* (or more generally, 'the science of Politics'). Secondly, Politics is here conceived as a dismal science based upon a creed of unbridled selfishness and ruthless cruelty for the sake of one's self-interest : this creed, it is pointed out, is at the opposite pole of one inculcating gratitude in return for service. Politics, in other words, is the antithesis of Ethics.

Let us attempt in the present place to trace the origin of this evidently one-sided judgement against the science of Politics. This lies, we think, in the strong moral reaction of Buddhist ethics against some extreme tendencies of *Arthaśāstra* statecraft (below, pp. 100–101) that are based on the policy of ensuring the security of the king at the sacrifice of his nearest and dearest ones. The roots of this conflict go back, it seems to us, to the fundamental difference between the standards of the two sets of thought. For while the *Arthaśāstra* teachers were inspired by their avowed end of ensuring the security and prosperity of the State to condone, if not to justify, breaches of morality in its interest, Buddhism with its stern and unbending code of ethics stood for the unqualified supremacy of the moral law over governmental affairs.

ORIGIN AS WELL AS AUTHORITY AND OBLIGATION OF THE TEMPORAL RULER

The story of cosmic and human evolution in the *Dīgha Nikāya* extract quoted above involves, as we have seen, the theory of the origin of kingship in a bilateral compact between the community and its most distinguished representative. We have a much simpler theory of the origin of this institution in a *Jātaka* story (No. 270). In the first cycle of the world, we read (II pp. 352–3), the people assembled together, and having found a man handsome, auspicious, commanding and altogether perfect, selected him as their king : the quadrupeds likewise gathered together and chose the

lion as their king and the fish in the Great Ocean selected for their king the monster-fish called Ānanda : then all the birds in the Himalayan regions assembled together, and saying that it was not fitting for them to live in anarchy (*appatissavāso*) agreed to select a king after the example of the human beings, quadrupeds and fishes : in the end they selected a golden goose as their king after their proposal for the election of an owl had been turned down at the instance of a crow. The story of the selection of the lion, the monster-fish and the golden goose as king by the quadrupeds, fishes and birds respectively in the first cycle of the world is repeated elsewhere (No. 32). Another story (No. 537) repeats the account of the election of the monster-fish as king by the fishes after the example of the birds and the quadrupeds. These stories by omitting all reference to the Governmental Compact between the original ruler and the community fall short of the Buddhist canonical theory of the origin of kingship (p. 63), although the first and the fullest extract refers to the original State of Nature which was synonymous with anarchy and which led to the institution of kingship by popular election. In the second place the stories express in the popular style of folklore the conception of kingship as a universal institution arising from popular election in the remotest times.

The Pali canonical texts are wanting in a true theory of the authority and obligation of the temporal ruler, but they contain instead scattered notices pointing to his high social and political status. These notices, however, have no relation with the theory of the origin of kingship in the Buddhist canonical extract quoted above. A king, we read (*Sutta Nipāta* p. 111), is the first among men and the chief of men : the king, we are told elsewhere (*Saṁyutta Nikāya* I pp. 41–2), is the sign or symbol (*paññāṇam*) of the State (*raṭṭha*). According to some late canonical texts (*Chulla Niddesa* 307, *Vibhaṅga* 422) the gods are of three grades, namely, those by human convention or public opinion (*sammutideva*), those by purity (*visuddhideva*), and those by birth (*upapattideva*) : while the second order consists of saints (*Arahants* and Buddhas) and the third of gods by birth (or rebirth), the first and the lowest class comprises the king, the queen and the princes. Adding this notion with strange inconsistency to the canonical theory of the origin of kingship quoted above, a *Jātaka* text (I p. 32) observes that the title was applied to the king, the queen and the princes from the time of *Mahāsammata* downwards. The Aryan disciple with riches justly obtained, says another canonical text (*Aṅguttara Nikāya* III p. 45) makes five oblations (*bali*), namely, that to kin, to guests, to departed spirits, to kings, and to the gods (*deva*). We are further told (*Saṁyutta Nikāya* I p. 69) that four persons or objects, namely, the king, the snake, fire and the monk, though youthful, must not be disregarded or despised : the high-born Kshatriya on ascending the throne, says the author in explanation of the first reference, may visit the offender with punishment, and therefore he who cares for his life shall refrain from disregarding or despising the Kshatriya.

In the above extracts, it will be noticed, the canonical authors conceive the king as occupying the highest social and political status. Further, they place the king along with his family members in an inferior order of divinity even as judged by Buddhist standards. In fact the title applied to this class indicates a clumsy attempt at compromise between the canonical idea of the origin of kingship in a Governmental Compact and the popular notion of the king's divinity. Evidently as a corollary of the above ideas the authors deduce the obligation of the subjects towards their ruler in the form of a symbolical offering to the king by the householder as a part of his daily routine, a conception which is obviously a Buddhist adaptation of the well-known *Smṛiti* rule relating to the performance of the five daily sacrifices by the householders of the upper classes. The duty of the subjects to honour their ruler is based more directly in the last extract upon the crude conception of the overwhelming might of the ruler. This means that the State is founded upon force, and therefore the political obligation of the subjects is to them a matter of physical necessity.

In contrast with the Pali canonical texts quoted above the stories of the *Jātakas* contain some slight references to the dual principle of the authority and obligation of the temporal ruler, although these are equally unrelated to the canonical theory of Governmental Compact mentioned above. We begin with a series of clichés bearing upon the principle of the king's authority. 'A woman without a husband, a river run dry and a realm (*raṭṭha*) without a king are naked' (I p. 307): 'one needs a king and a warrior for protection' (IV p. 296): 'a realm without a king cannot be protected and it cannot stand' (VI p. 39 ; ibid. p. 160). As regards the complementary principle of the king's obligation, we are told in one story (No. 432), how a wise youth in a king's service seeks, though in vain, to bring home to him, by a series of tales, his guilt in perpetrating a robbery in his own palace. These tales end with morals pointing to the king's obligations towards his subjects. The king, we read, is the refuge of the people like water, earth and fire: 'just as the tree is the refuge of birds, so is the king the refuge of his people' : 'as the daughter-in-law is to the father-in-law, so is the king a refuge to his people' : 'just as an aged father ought to be cared for by an able-bodied son, so too ought all the people to be protected by the king'. In the end (III p. 513) the youth in proclaiming the king's guilt to the assembled multitude tells them that water has turned into blazing fire, safety into fear and refuge into bane, and he asks them to rely upon themselves for their protection. The people taking the hint kill the wicked king and place the wise youth on the throne. In the above the first three extracts involve the principle that the king's office is the foundation of security of the individual and the community. On the other hand the story cited above with its repeated warnings to the king and its dramatic close emphasizes the principle that protection is the natural and necessary obligation of the temporal ruler, and that the ruler failing in this obligation forfeits his title to the obedience of his subjects.

PRINCIPLE OF POLITICAL RIGHTEOUSNESS

The most important contribution of the early Buddhist canonists to the store of our ancient political thought consists in their 'total' application of the principle of righteousness to the branches of the king's internal and foreign administration. Its importance is matched by that of the parallel early *Smṛiti* conception of a fundamental law of the social order indicated by the same term *dharma*, which is held to be based upon the twofold source of the Sacred Canon and custom or convention. In a canonical text (*Añguttara Nikāya* III p. 149) the question is asked as to who is the king of the righteous king (*dhammikassa dhammarañño rājā*) and the answer is given that this is righteousness (*dhamma*). The full implications of this principle are set forth in the *Jātaka* stories containing the descriptions of good kings (I p. 260; II p. 118; III pp. 325 and 470; V p. 378). In these stories we are told that they ruled in righteousness, that they shunned the four wrong courses of life (*agatigamana*) (comprising excitement, malice, delusion and fear), that they practised the ten royal duties (*rājadhamma*) (namely, alms-giving, morality, liberality, straightforwardness, refraining from anger and from injury, forbearance and refraining from opposition), that they won over the people by the four elements of popularity (*saṁgahavatthu*) (namely, liberality, affability, beneficent rule and impartiality).[2] Cast in a distinctly sectarian mould are the descriptions of good kings (I p. 262; V p. 1; VI pp. 96–7) in other stories to the effect that not only did they rule in righteousness, but they were also zealous in the observance of the fast-day and keeping the ten items of good behaviour (*sīla*), namely, abstinence from taking life, from taking what is not given to one, from adultery, from telling lies, from slander, from harsh speech, from frivolous talks, from covetousness, from malevolence, and from heretical views. We have, again, a remarkable story (No. 276) of eleven persons with a king at their head in the Kuru kingdom who practised what was called Kuru-righteousness (*Kurudhamma*) identified in the course of the story with the five *sīlas* obligatory upon the Buddhist disciple. How a king's observance of righteousness instead of its reverse benefits himself is told in a few stories. Thus we learn (Nos. 51, 151 and 282) how a king who conquered wrath with mildness and badness with goodness was adjudged superior to another who met the good with goodness and the bad with badness, and how kings allowed themselves to be captured and ill-treated by neighbouring kings only to gain back their freedom and their kingdom through their inherent goodness.

The most impressive lessons on the principle of righteousness occur in course of the admonitions addressed to kings by wise beings in the stories. When a monkey-king, we read in one story (No. 407), wore himself out by his effort to save his followers from certain death, his captor, a human king, asked him (III p. 373) the question, what he was to them and what they were to him, that he made himself a bridge for their safely passing through a river. He felt no pain of his bonds, was the reply, because of securing the happiness of those over whom he reigned. Asking the human

king to learn the lesson by his example, the monkey-king admonished him to seek the happiness of his whole realm, his beasts of burden, his troops and the inhabitants of his cities. In a second story (No. 501) a wise king instructs another king in the so-called ten stanzas relating to the practice of righteousness (*dasadhamma-chariyāgāthā*): these comprise the observance of righteousness towards the mother and the father, the wife and the son, relatives and ministers, draught animals, the realm, recluses and Brāhmaṇas, birds and beasts. How a king was instructed in the duties of his office by three wise birds whom he had adopted as his children, is told in a third story (No. 521). Asked by the king about the general duties of a ruler, the first speaker says at the outset (v p. 112) that he should rule his kingdom with righteousness (*dhamma*) after abiding by the three truths. When the king puts to the third and the wisest speaker a specific question about the highest of all powers, the latter repeats the ten stanzas above quoted relating to the king's observance of righteousness towards all others. In a shorter and a longer version (Nos. 533 & 534) of a dialogue between a wise swan and a king the question is asked by the bird whether his kingdom is ruled righteously and it is answered by the king in the affirmative (v pp. 348 and 377–8). To the above is added in the longer version the question whether the king observes the ten *rājadhammas* as well as the king's own affirmation of the virtues of liberality, good conduct, non-attachment, straightforwardness, mildness, austerity, suppression of anger, non-injury, patience, and forbearance. How should a mortal (meaning himself), asks the king of a false ascetic in yet another story (No. 544), practise righteousness towards his parents, his teachers, his wife and children, the aged, the ascetics and the Brāhmaṇas, the military forces and the country-folk ? With the answer of the false ascetic who was a believer in the doctrine of annihilation we have no concern. The Great Being, when asked by the king to teach him the path of piety, admonished him by the example of the virtuous kings of old to shun unrighteousness and practise righteousness : the king, it is explained (VI p. 251), should distribute every morning and evening by public proclamation food and drink, garlands and unguents, clothes, umbrellas and shoes to the needy : he should not put to labour old men and aged domestic animals, for when they were strong, they gave him service. Following this instruction with an elaborate simile of the human body to a chariot, the speaker (ibid. pp. 252–3) impresses upon the king the lessons of abstinence from injury, liberality, circumspection, self-control and other virtues. In yet another story (No. 540) an ascetic's son admonishing a king asks him (VI p. 94) to practise ten duties (*dhammas*), namely, those towards his mother and his father, his wife and his son, his friends and his ministers, his townships and villages, the recluses and the Brāhmaṇas, the birds and the beasts.

The above extracts indicate in the first place the relation of righteousness to kingship. Righteousness, we are told, is the essence of kingship as well as the king's best policy. In the second place the authors clarify the principles

and policies of government involved in the above dictum. The king, it is explained, should avoid specified vices and practise specified virtues, the latter being identified in some instances with the precepts incumbent upon the Buddhist lay-disciple. The king, we are further told, should apply himself to the promotion of universal happiness of his subjects so as to extend its benefit down to the dumb creation.

Nothing illustrates so well the belief of the early Buddhist canonists in the profound significance of political righteousness as their frequent references to the far-reaching consequences of the ruler's reaction to this fundamental principle. When kings become unrighteous, we are told in a canonical text (*Añguttara Nikāya* II pp. 74–6), the king's officers (*rājayuttas*) also become unrighteous, this being so the Brāhmaṇas and the mass of ordinary freemen (*gahapatis*), the townsfolk and the villagers in their turn become unrighteous; this being so the sun and the moon, the stars and the constellations go wrong in their courses; days and nights, months, seasons, and years are out of joint; the winds blow wrong; the *devas* being annoyed do not bestow sufficient rain. This being so, the crops ripen in the wrong season and consequently men are short-lived, ill-favoured, weak and sickly. Conversely, when kings become righteous, all the reverse consequences follow.

The above view of the tremendous significance of political righteousness is reflected in the *Jātaka* stories. How a king's violation of righteousness recoiled upon himself with tremendous force is vividly told in one story (No. 422). In an Age when the world spoke the truth and lying was unknown, a king, we are told (III pp. 456–61), decided to make the appointment of his family-priest by lying: an ascetic appearing in the king's presence warned him, but in vain, against the danger of this course by saying that the king by telling a lie destroys righteousness and by destroying righteousness he destroys himself: when the king in spite of the warning told a lie, he was deserted by the four protecting deities, his body was befouled, he fell from the sky upon the earth and all his four supernatural powers disappeared: six times in succession the king's priest offered to restore his supernatural powers if he should speak the truth, but the king, disregarding all these offers, sank lower and lower in the earth till at last the earth opened up for him, and he was consumed by the fires of hell.

The influence of the king's attitude towards righteousness upon the fortunes of his subjects is told after the pattern of the canonical text quoted above in other stories of the *Jātakas*. According to an oft-quoted cliché (III p. 111; V pp. 222 and 242), in these stories the people follow the king as a herd of cattle follow the bull, and the whole realm enjoys weal or woe according as the king is righteous or otherwise. Turning to the stories themselves, we have first the story (No. 527) of a virtuous king's self-admonition by way of escape from his sorest temptation. A king of the Śivis, we read, having fallen madly in love with the wife of his commander-in-chief and being repeatedly and earnestly pressed by the latter to take her to himself,

as often and passionately rejects the offer. The king ends (v pp. 222–3) by teaching his most loyal officer the ways of righteousness as practised by good men. Blessed is a king, we are told, who delights in righteousness, and happiness it is to eschew sin : happily the subjects live as under a cool shade in the kingdom of a king who is free from anger and is fixed in righteousness. The speaker next observes on the above-quoted analogy of a herd of cattle following the bull that when the king becomes unrighteous, the common folk follow him and the whole realm comes to grief, while in the contrary case the common folk equally follow the king's example and the whole realm enjoys happiness. Declaring his intention not to win authority or conquest of the whole world by unrighteousness, the king concludes by expressing his determination to abide by the Śivi righteousness. The story ends with a passionate admonition of the king to practise righteousness after the text (v p. 223) quoted above.

When a householder, we read in a second story (No. 194), was about to be killed by the order of a wicked king on a trumped-up charge of theft, the cries and lamentations of his virtuous wife caused the god Sakka to descend from heaven and so use his supernatural powers that the wicked king was killed, and the honest householder became king in his place : commending the new king to the people as one who would thenceforth rule righteously, the god pointed out the danger of the king's unrighteous rule : should the king, he declares (II p. 124), be unrighteous, the gods would send down rain out of season and not in season and 'the three fears' (those of pestilence, disease and the sword) would come down from heaven upon men. When the king, we read in a third story (No. 334), enquired of an ascetic why the ripe figs offered to him tasted sweet, he was told that it was because the king ruled his kingdom righteously : when kings rule unrighteously, it was explained, oil, honey, molasses and the like as well as the wild roots and fruits lose their sweetness and strength, and not only these but the whole realm loses its vigour : but should the kings be righteous, these would become sweet and nourishing and the whole realm would become strong. In the sequel the king found out by a practical test the truth of the ascetic's statement.

The above extracts indicate in impressive language the author's view of the immense significance of the king's attitude towards righteousness in relation to his whole environment. In its simplest form it means that the king by his example influences for good or for evil the moral stature of his subjects and thence causes their happiness or misery. More complex than the above is the explanation that the king through his attitude towards righteousness influences for good or for evil the course of the climatic phenomena shaping man's agricultural production as well as the degree of productivity of his life-giving crops. According to the most complex interpretation the king through his attitude towards righteousness shapes by a regular chain of causation the moral stature of his subjects, the movements of heavenly bodies and the succession of time as well as the operation of

the climatic factors governing the agricultural production, and finally the physical type of the people. Political righteousness, as thus conceived, rises almost to the level of a cosmic principle of creation.

We may consider in this connexion a recent authoritative view[3] of a fundamental antithesis between the Brahmanical and the Buddhist ideas of *dharma* in relation to political theory. The former, we are told, in maintaining a social order based upon the special constitution of each caste, does not encourage the appearance of 'a political spirit', while the latter by aiming at a law applicable to all mankind makes for unlimited imperialism. Expressing this contrast in another way the author argues that while the Brahmanical *dharma* falls 'short of monarchy', its Buddhist counterpart leads to 'world-empire'. Again he observes that while the king in the Brahmanical theory confines himself to the preservation of the eternal social order, the king according to the Buddhist theory not only causes the law to reign, but starts and promotes the same. We shall endeavour to show in Chapter XI below that the true difference between the Brahmanical and the Buddhist concepts of *dharma* in relation to social and political theory lies elsewhere. *Dharma* in the *Smṛitis*, we may here state, connotes the comprehensive law of the social order of which the king himself is the unit, while it signifies in the conception of the Buddhist canonists especially the principle of righteousness. In its political aspect the Brahmanical *dharma* stands particularly for the Whole Duty of the king (*rājadharma*) which from the first is conceived in sufficiently elastic terms to provide for the needs of the kingdom and to permit in Manu and still more in the *Mahābhārata* (after Bhīshma) the wholesale incorporation of the *Arthaśāstra* categories and concepts relating to the branches of the king's internal and external administration. On the other hand the Buddhist *dhamma* in its relation to the king involves the application of the universal ethics of Buddhism to the State administration, this principle being even extended, as we shall presently see, to the concept of the World-ruler.

PRINCIPLES AND POLICIES OF GOVERNMENT

Besides developing their distinctive conception of political righteousness and sometimes along with it, the early Buddhist canonists repeat a few principles and policies of government more or less after the *Arthaśāstra* pattern. The king, says the Buddha (*Saṁyutta Nikāya* I p. 88), should base his daily life upon the single principle (*eko dhammo*) of watchfulness (*appamādo*), for he would thereby keep himself active, wakeful and guarded along with his family members and vassal kings and would guard and protect his treasury and his storehouse. The admonitions to the kings in the *Jātaka* stories frequently refer to the principles of their government. A king, we read in one place (I p. 45), should rule the kingdom without coming under the influence of self-will and other passions : he should examine and know the whole thing before undertaking any work : he should perform only that which is salutary, for otherwise he

would fill the people with great fear, even the fear of death. In a second story (No. 515) the emissary of a king asks a child-sage for solution of the king's question relating to a spiritual sacrifice (*dhammayāga*) : in reply the king is advised (v p. 66) not to regard today as tomorrow but to be prompt to seize the occasion, not to have recourse to evil ways like a bewildered fool, not to transgress his own self, not to practise unrighteousness, not to act in a wrong way, and not to associate with evil. Rebuking a king a sage says in a third story (No. 546) that the king who acts without discrimination is not good, and therefore the Kshatriya should act with discrimination. In the stories of the dialogue between a wise swan and a human king (Nos. 533 and 534) quoted above, the question is asked and answered in the affirmative, whether the king's ministers are blameless and ready to die for his welfare and in the longer version whether he honours good and avoids bad men.

The longest and the most important statement of the king's principles and policies of government by the early Buddhist canonists occurs in a *Jātaka* story (No. 521) quoted above in part. This consists chiefly of the addresses delivered by three wise birds in succession to a king, who had adopted them as his children. When the first speaker is asked, what should best be done by a king seeking to rule his kingdom, he replies (v pp. 112-13) that the king should avoid falsehood, anger and levity, and whatever he has done in the past under the influence of passion and sin, he should not do again : a Kshatriya who becomes negligent in his rule loses all his wealth : indeed it has been declared by the Goddesses of Fortune that they delight in energetic men who are free from jealousy, while it is true that ill luck (literally, 'black ear') delights in men of evil deeds who are afflicted with jealousy and are hard-hearted : the king should be a friend and protector to all : even Sakka, the Lord of creatures, makes no mistakes in matters of exertion : let the king do his duty without making mistakes and without afflicting himself : let him exert himself for performance of his duties, for no sluggard can attain happiness. The second speaker, replying to the same question (v pp. 116-17), begins by stating that the whole of *rājadhamma* is summed up in two maxims (*padakas*), namely, the acquisition of what has not been gained and the preservation of what has been acquired. The king, we are next told, should choose as his ministers those who are steady, learned in affairs and free from the vices of gambling, drinking and so forth : he should appoint other officials who would guard him and his treasure : he should keep his folk well in hand : he should himself examine the income and the expenditure : he should punish those deserving blame and favour those deserving favour : he should himself decide his subjects' affairs and he should not allow unrighteous officials to ruin his substance and his kingdom : he should not give way to wrath : he should not abuse his authority to lead the people to their ruin : he should not cast away fear and indulge in the pleasures of the senses : he should practise virtuous conduct and he should refrain from drunkenness and from ruining his substance. The address of the third and the wisest speaker is given (v pp. 120-21) in reply to the king's specific

question, namely, 'What is the chiefest of all powers (*balas*)?' The powers of very great men, it is replied, are five in number : these are in an ascending order of importance : the strength of arms (*bāhābala*), the strength of wealth (*bhogabala*), the strength of officials (*amachchabala*), the strength of high birth (*abhijachchabala*), and the chiefest of them the strength of wisdom (*paññābala*). The supreme strength of wisdom is illustrated by two examples : should a fool attain to a rich and prosperous kingdom, another is sure to seize it by force in his despite : should even the highborn but unwise *khattiya* attain to a kingdom, he could not live even with his whole resources. This is followed by some further praise of wisdom to which it is unnecessary to refer here.

These extracts involve general principles agreeing more or less with the *Arthaśāstra* tradition (below, pp. 91ff., 128ff.). Diligence as well as vigilance, we are told in the first two extracts, is the first principle of statecraft as being the requisite of the king's successful administration. The principles mentioned in the following group of extracts relate to the king's intellectual and moral qualifications, and his selection of ministers for loyalty and for virtue. In the last and the most important extract the first speaker deals with the king's mental and moral qualifications comprising freedom from passion, exertion and universal friendliness. The second speaker, after defining the scope of the royal duties in terms of the *Arthaśāstra*, inculcates upon the king the lessons of virtue and self-control, of selection of officials, of personal inspection of finances and of a double line of conduct towards his subjects. The third speaker introduces us to a remarkable variant of the *Arthaśāstra* category of the three powers (*śaktis*) of a king which comprises the strength of his counsel (*mantraśakti*), that of his material resources (*prabhāvaśakti*), and that of his energy (*utsāhaśakti*) (below, p. 96). Comparison between the two parallel lists reveals some remarkable resemblances as well as differences. For while *bāhābala*-cum-*bhogabala*-cum-*amachchabala* and the *paññābala* of the canonist may be held to correspond respectively to the *prabhāvaśakti* and *mantraśakti* of the political thinker, the former substitutes for the latter's *utsāhaśakti* the item *abhijachchabala* : this means that while wisdom and material resources are recognised in both cases as elements of a king's strength, high birth (and not energy as in the latter case) is regarded in the former instance as the next source of his strength. In the second place the comparative estimate of the category of the powers in the two cases presents the same resemblance and contrast. Among the *Arthaśāstra* thinkers the Teacher, as we shall learn later, ranks *utsāhaśakti*, *prabhāvaśakti* and *mantraśakti* in an order of descending importance, while Kauṭilya by contrast gives the sequence as *mantraśakti*, *prabhāvaśakti* and *utsāhaśakti* (pp. 96, 142). It thus appears that the Buddhist canonist, differing from one *Arthaśāstra* master and agreeing with another, held the ruler's wisdom to be his greatest asset : on the other hand he differed from both in ranking the strength of material resources as the lowest in the scale. We may sum up by saying that according to the canonist's view the strongest State is that which is ruled with the greatest wisdom, while the weakest State is that

which is equipped with resources in men and money but not directed by wisdom.

We may notice here a short canonical extract (*Majjhima Nikāya* II p. 88) relating to the principle of caste immunities and privileges. Here a king of Madhurā addressing a sage observes that if a Khattiya or a Brāhmaṇa or a Vessa or a Sudda guilty of theft or house-breaking or adultery is brought up before him for sentence, he will put him to death or confiscate his property or banish him or otherwise deal with him as is required by the circumstances. Justifying this policy the king observes that the offender's former designation of Kshatriya and so forth is now abolished and he is merged in the malefactor. This involves the principle of application of the penal law to the offender irrespectively of his caste-privileges. The author's argument in this case is that the immunity of the caste concerned is nullified by the offender's guilt.

THEORY OF CLAN-REPUBLICS

It is to the early Buddhist canonists that we owe the discussion for the first time by our ancient thinkers of the problem of a distinctive type of polity, namely, that of the aristocratic clan-republics (*sañgha* or *gaṇa* in the political sense). It has to be remembered that Buddhism was nourished in the environment of a few such republics in Eastern India. It is in relation to one of these republican communities, namely, the confederacy of the Vajjis in the crisis of its fortunes, that the Buddha is said in two canonical extracts (*Dīgha Nikāya* II pp. 72-5 and *Añguttara Nikāya* IV pp. 17-20) to have made his famous pronouncement about its future. We have here an almost unique instance, in our ancient literature, of political thought directly inspired by a great historical event. In the extracts quoted above we are told how Ajātaśatru, King of Magadha, having formed a grim resolution for the overthrow of the Vajjis, sent his messengers to the Buddha for advice. Questioning his favourite disciple Ānanda (seriatim) in the presence of the messengers, the Buddha asks whether the Vajjis still observe the seven conditions of welfare which he taught them before, and being answered in the affirmative, he prophesies that so long as the Vajjis observe these conditions, they may be expected not to decline but to prosper. The conditions extend over a wide range of activities of members of the community. The Vajjis, Ānanda tells the Master, assemble frequently and fully : they meet together in concord and rise in concord and carry out Vajji-business in concord : they enact nothing not already established, abrogate nothing that is already enacted and act in accordance with the ancient institutions of the Vajjians : they honour and esteem and revere and support the Vajji elders and hold it a point of duty to hearken to their words : no women or girls belonging to other clans are detained among them by force or abduction : they honour and esteem and revere and support the Vajjian shrines in town and country and allow not the proper offerings and rites as formerly given and performed to fall into desuetude ; they fully provide for the rightful protection, defence and support for the *Arahants* ('those who have

attained the *summum bonum* of religious aspiration,' namely *Nirvāṇa*) among them, so that *Arahants* from a distance may enter the realm and the *Arahants* therein may live at ease.

The defects of the above statement from the standpoint of a philosophical theory of republics are sufficiently obvious. Instead of analyzing the characteristics of republics in general the author gives us a prepared list of the sources of strength as well as weakness of a particular community of this type. Within this limitation, however, he gives us an admirably comprehensive list of the qualifications of the citizens of a republican community. These comprise the virtues of public spirit (exemplified by full and frequent attendance of the members at the popular assembly and their mutual harmony), a wise conservatism (illustrated by loyalty to the ancient traditions), moral rectitude and discipline (shown by respect for the elders and non-violence towards women of other clans), and piety (illustrated by respect for the shrines and protection of the saints). In placing mutual harmony near the head of the list, the author has evidently in view the essential weakness of republican constitutions, namely, their proneness to internal dissensions. How this problem of the republics was tackled with an intenser political insight by Kauṭilya and a greater philosophical acumen by Bhīshma in the *Mahābhārata* will be told in subsequent chapters.

CONCEPTION OF THE WORLD-RULER

In contrast with their practical attitude towards the problem of republics, the early Buddhist canonists give us a highly idealistic picture of the World-ruler (Pali *Chakkavattī*, Skt. *Chakravartī*). The World-ruler is credited in the texts (*Dīgha Nikāya* II p. 176 ; III p. 59 etc.) with a conventional list of 'seven jewels' (or treasures) constituting his imperial regalia : the list consists of the wheel-treasure, the elephant-treasure, the horse-treasure, the treasure of a woman, the treasurer and the adviser. It is also claimed for him (*Añguttara Nikāya* III pp. 147–8) that he as well as his eldest son possesses a list of five qualities : they know Wealth, Virtue, Measure, Time and the assembled men. In the stock-description of the World-ruler's characteristics, we are told that he is called the Emperor over the four quarters of the earth, righteous in himself, ruling righteously, triumphant abroad, enforcing law and order at home, possessed of 'the seven jewels'. The process of the World-ruler's universal conquest is described in two canonical extracts (*Dīgha Nikāya* II p. 169 f. and III p. 62f.). These deal respectively with the romantic biographies of the *Chakkavattī* Mahāsudassana and the son of the *Chakkavattī* Dalhanemi. The Emperor, we read, having discovered the wonderful Wheel and solemnly invoked it to roll onwards, followed it on its onward course successively towards the East, the South, the North, and the West : as the mighty monarch appeared in each quarter with his fourfold army, the rival kings therein offered their submission. The *Chakkavattī* allowed them to retain their possessions on condition of their observance of the five moral precepts binding upon the Buddhist layman : 'Ye shall',

so goes his solemn admonition, 'slay no living thing, ye shall not take that which has not been given, ye shall not act wrongly touching bodily desires, ye shall speak no lie, ye shall drink no maddening drink'. The same stories illustrate the nature of the *Chakkavattī's* rule over his subjects as well as his vassals. Among the four gifts (*iddhis*) of Mahāsudassana, we are told (*Dīgha Nikāya* II p. 178), that he was popular with the Brāhmaṇas and the householders just as a father is near and dear to his own sons, while conversely the Brāhmaṇas and the householders were near and dear to him just as his sons are near and dear to a father. Of Dalhanemi we read that he lived on this earth to its ocean-bounds, having conquered it not by the scourge, not by the sword but by righteousness. In a third extract (*Aṅguttara Nikāya* III p. 149) the Buddha, referring to 'the king, the World-ruler, the righteous one, the righteous king', observes that righteousness (*dhamma*) is his king: such a king, he explains, honours, esteems and reveres *dhamma*, with *dhamma* as the standard he provides righteous safety, cover and protection for folk within his realm, for Khattiyas and attendant army, for Brāhmaṇa and householder, for town and country-folk, for recluses and Brāhmaṇas, for birds and beasts: 'thus verily by righteousness he sets the wheel in motion, of which the course cannot be resisted by any inimical king whatsoever'.

Some further light is thrown upon the Buddhist conception of the World-ruler by the description in another canonical text (*Dīgha Nikāya* III p. 60f.) of the careers of the *Chakkavattīs* of Dalhanemi's line. When Dalhanemi, we read, left the throne to his eldest son and retired to a hermitage, the celestial wheel disappeared from view. Consoling the new king for his loss, a hermit observed that the celestial wheel was not his paternal heritage (*pettikam dāyajjam*), but it might manifest itself to him if he observed the Aryan duty of a *Chakkavattī* (*ariyam cakkavatti-vaṭṭam*). What this means is explained in the following lines. 'Thou should', says the sage, 'provide right watch, ward and protection for thy own folk, for the army, for the nobles, for vassals, for Brāhmaṇas and householders, for town and country-folk, for recluses and Brāhmaṇas and for beasts and birds: throughout thy kingdom, let no wrong-doing prevail: and whosoever in thy kingdom is poor, to him let wealth be given: should recluses and Brāhmaṇas ask thee for the proper line of action, thou should deter them from evil and bid them take up what is good.' Following this line of conduct the king was rewarded with the re-appearance of the celestial wheel. When a later king of Dalhanemi's line preferred to govern his people according to his own will, they failed to prosper as they had done under former kings observant of the way of life of a *Chakkavattī*: even when he was reminded of his duty by his ministers and courtiers the king simply provided watch and ward and protection for his people, but failed to give alms to the destitute: this led to poverty of the people and the progressive deterioration of their morals and shortening of their lives: at length the very extremity of the evil led the people on their own initiative to increase their performance of good deeds which resulted in the lengthening of their lives.

The above extracts are of extreme significance as involving the extension of the Buddhist principle of political righteousness (above, pp. 69ff.) to the concept of the World-ruler. The attributes of this ruler comprise not only universal supremacy and successful administration at home and abroad, but also and above all, righteousness. In the branch of the *Chakkavattīs'* internal administration this last principle connotes the reciprocal love and affection of the ruler and his subjects as well as the ruler's provision of universal security for his subjects down even to the dumb animals. In the sphere of foreign relations the *Chakkavattī's* conquest of the quarters is achieved not by force but by righteousness, while his rule over his vassals is founded upon his enforcement of the five precepts that are binding upon the Buddhist layman. Interpreting even the mystical Wheel, the palladium of the World-ruler, in terms of righteousness, the canonist explains it to mean not the patrimony inherited by the ruler from his ancestors, but the fulfilment of his characteristic attributes. These attributes comprise provision of universal security for the subjects, as well as their complete temporal and spiritual well-being. The concluding extract refers, after the pattern of the texts quoted above relating to kingship, to the profound repercussions of the World-ruler's attitude towards righteousness upon the fortunes of his subjects. For we are told that while partial fulfilment of this principle by the ruler leads to the moral and physical decay of the people, its complete fulfilment by them even on their own initiative produces the contrary result.

The above idea of the exceptional moral stature of the *Chakkavattī* finds its fitting climax in the parallel drawn in other canonical texts between him and the Buddha. The World-ruler, it is held, is the temporal counterpart of the spiritual World-teacher, resembling him not only in his outward bodily form (the so-called thirty-two bodily signs of the superman) and the extraordinary incidents of his birth, death, cremation and commemoration, but also in their jointly unique role as universal benefactors. As a canonical text (*Aṅguttara Nikāya* I pp. 76–7) puts it, the fully enlightened Tathāgata (Buddha) and the *Chakkavattī* king are two persons who are born for the happiness of many folk, who are both extraordinary men and who are regretted by the folk.

CHAPTER FOUR
NOTES

[1] 'The Book of Genesis' is Rhys Davids's translation after the commentator Buddhaghòsa's explanation of the above *Suttanta* as 'Genesis of the world', or 'History of Genesis and course of the world'.

[2] For other references to the above categories cf. *Jātakas* I p. 344, II p. 181, III pp. 273, 385, 470 (ten *rājadhammas*); ibid. IV p. 402; V pp. 98, 510 (four *agatigamanas*); ibid. V pp. 176, 352 (four *saṁgahavatthus*). For the Sanskrit equivalent of the last *vide* *Dharmasaṁgraha*, ed. Max Müller and Wenzel, s.v. *saṁgrahavastu* and notes giving full references.

[3] *Vide* Paul Masson-Oursel in the work *Ancient India and Indian Civilization*, pp. 93-5.

CHAPTER V

THE TECHNICAL WORKS ON POLITY—I THE WORKS OF KAUṬILYA'S PREDECESSORS

INTRODUCTORY

We have observed in a previous chapter that the schools and authors of the *Arthaśāstra* introduce us to a new science avowedly concerned with the acquisition and preservation of dominion. With the exception, however, of Kauṭilya's *Arthaśāstra* no complete work of this class has come down to our own times. The only surviving relics of the remaining *Arthaśāstra* literature consist of quotations and references by the later authors. Of these the most important and authentic are found in the work of Kauṭilya himself who frequently quotes for support or for criticism the views of his predecessors either singly or in continuous sequence: these references are partly repeated and partly supplemented in the *Nītisāra* of Kāmandaka, the faithful follower of Kauṭilya. Presumably to the same pre-Kauṭilyan stratum belong the short citations of views or even texts of the older masters of the science of polity that are found in the *Rājadharma* and *Āpaddharma* sections (Book XII 56f. and Book XIII) of the *Mahābhārata*, although some of the names mentioned in the last-named work cannot be traced in Kauṭilya's *Arthaśāstra*. In the *Rājadharma* chapter of the *Manusmṛiti* and the corresponding section of the *Mahābhārata*, again, we come across identical (or almost identical) verses which we may trace back in accordance with the usually accepted canon of interpretation on this point, to a common source and presumably to the lost literature of *Arthaśāstra*. Along with the citations of short views and texts just mentioned, the *Mahābhārata* frequently contains what purport to be dialogues on kingly duties that were addressed by gods or sages to their royal interlocutors. In general it may be said that while the former group of citations belongs to an early stage of the science when speculation had not yet emerged from the leading strings of the discussion on concrete issues, the latter involves the formulation of abstract ideas and principles of a more advanced type. It is not improbable that the *Mahābhārata* dialogues which are regularly introduced to us as 'ancient legends' are in reality expositions of the science by the later authors more or less on the lines of the old *Arthaśāstra* masters. Here we shall occupy ourselves with the former and more authentic group of *Mahābhārata* citations, reserving the latter and more apocryphal group for consideration in our Chapters X–XII on the *Mahābhārata*.

In the list of the early *Arthaśāstra* masters referred to above, a few names stand out with conspicuous prominence. Kauṭilya begins his work with

salutation to Śukra and Bṛihaspati, evidently ranking them as founders of the two greatest schools of *Arthaśāstra*. In the body of his work, again, Kauṭilya quotes several times the views of the schools of Manu, Bṛihaspati and Uśanas (Śukra) as well as Parāśara. Among individual authors the one most frequently quoted is the Teacher in the honorific plural (*āchāryāḥ*), while other important names are those of Bhāradvāja, Viśālāksha, Piśuna, Vātavyādhi and Kauṇapadanta. In the *Mahābhārata* legend (XII 59) of the origin and development of the science of polity (*daṇḍanīti*) the archetypal work of Brahmā is said (ibid. 86–92) to have been successively summarised by the gods Śiva (Viśālāksha) and Indra as well as the sages Bṛihaspati and Kāvya (Śukra), the works of the first two being called after them *Vaiśālāksha* and *Bāhudantaka* respectively. More particularly the *Mahābhārata* in a list of the most reputed authors of the kingly science (XII 58.1–3) mentions Bṛihaspati, Viśālākṣha, Kāvya (Śukra), Indra, Prāchetasa Manu, Bhāradvāja and Gauraśiras. It will be observed that the names common to Epic as well as *Arthaśāstra* tradition are the schools of Manu, Bṛihaspati and Śukra as well as the teachers Viśālāksha and Bhāradvāja. That many of the old *Arthaśāstra* authors were known and studied down to medieval times is proved by a considerable body of literary evidence.[1]

DEFINITION, SCOPE AND METHOD OF *ARTHAŚĀSTRA*

At the outset of our investigation into the political ideas of the early *Arthaśāstra* authors let us consider a few general questions about the nature of the new branch of learning which they brought into vogue. Defining the term *Arthaśāstra* in the concluding chapter of his work (XV 1) Kauṭilya says, '*Artha* is the means of subsistence (*vṛitti*) of men; it is, in other words, the land (*bhūmi*) which is filled with men; *Arthaśāstra* is the science (*śāstra*) (which deals with) the mode of acquisition and preservation of that (land)'. The same definition is applied by Kauṭilya to the works of his predecessors while declaring the aim and purpose of his work in his opening lines (I 1). Here he says that he has prepared his single *Arthaśāstra* (work) by summarising extensively all *Arthaśāstra* works that were prepared by the early masters on the subject of acquisition and preservation of dominion (*pṛithivī*). Kāmandaka (I 8) similarly, while explaining the purpose of his work in his introductory lines, announces his intention to instruct kings in the ways of acquiring and preserving dominion. It follows from the above that *Arthaśāstra* according to the views of its authoritative exponents signifies the science (or art) of government in the widest sense of the term. This sweeping definition is in accord with the exhaustive list of contents in Kauṭilya's *Arthaśāstra* which, as we have stated above, is the only complete work of its kind that has come down to us. The contents comprise the branches of central and local administration, home and foreign policy, civil and criminal law and the art of warfare. As Kauṭilya's work is avowedly a summary of the early *Arthaśāstra* literature, there arises the natural

presumption that the same topics were handled by the above authors. This presumption is made a certainty by Kauṭilya's citations of his predecessors' views under the above heads. It is not merely in the range but also in the quality of its application to the problems of State and government that the *Arthaśāstra* opens a new chapter in the history of our ancient political literature. For the authors, while making a detailed examination of the rules and principles of State administration and policy such as is unknown to their predecessors and contemporaries, approach their problems exclusively from an objective standpoint.[2]

In framing their rules and principles of government the *Arthaśāstra* thinkers in general apply the methods of observation, analysis and deduction in respect of the phenomena of political life. The method of the science, in other words, is primarily an empirical (if not a scientific) one. In Kauṭilya's work this is supplemented by some interesting applications of what may be called the historical method, as the author occasionally draws upon traditional history to justify his arguments. This is however made, in the words applied by a modern historian of political theory to the thought of Machiavelli, to point a moral which has already been set forth and adorn a tale which has already been told.[3]

Let us pause here to compare the concept of *Arthaśāstra* with that of the king's duties (*rājadharma*) figuring in the canonical *Dharmasūtras*. This comparison must be understood to refer to the common element in both the concepts, namely, the category of public functions of the king. From this standpoint it appears that both *Arthaśāstra* and *Rājadharma* deal essentially with the art of government in a monarchic State. The *Arthaśāstra*, however, concerns itself as a rule with the inductive investigation of the phenomena of the State, while *Rājadharma* deals with the same as an incident in a comprehensive scheme of class duties deriving their source primarily from the eternal *Vedas*. Hence while the canonical writers mention only the rudiments of public administration, the political writers are able to treat their subject on a vastly enlarged canvas. They describe the institutions of the State alike in their normal and healthy as well as their abnormal and diseased condition, and they make the first serious attempt to grapple with the concrete problems of administration. A second point of comparison suggests itself in connexion with the basis of the parallel concepts. *Arthaśāstra*, as we have seen, is the product of the independent schools and individual teachers working more or less on lines distinct from the Brahmanical canon. Hence it lacks the positive character attaching to *Rājadharma* by virtue of the latter's association with the great concept of Law.[4] We may lastly compare the twin concepts from the point of view of Ethics. Since *Rājadharma* is equivalent to the Whole Duty of the king, its rules are determined by the ideal of the highest good of this individual. *Arthaśāstra*, on the other hand, has avowedly for its end the security and prosperity of the State. Accordingly its rules of kingly conduct are determined primarily with reference to the interest of the State.

COMPARATIVE ESTIMATE OF THE FOUR TRADITIONAL SCIENCES

It will be convenient for us to begin our analysis of the political ideas of the early *Arthaśāstra* authors with some reference to their discussion (Kauṭilya I 2) of an ancient traditional list of 'sciences'. This list comprises the four 'sciences' severally called *trayī*, *ānvīkshikī*, *vārttā* and *daṇḍanīti* of which the first two are included by Gautama (XI 3), as we have seen elsewhere (Chapter III above) in his account of the king's curriculum of studies. The definitions of these terms by Kauṭilya (I 2–4) help us to understand the scope of the four sciences after the most distinguished exponent of the technical *Arthaśāstra*. *Trayī*, he says, comprises the four *Vedas* with their six accessories (*aṅga*) and *itihāsa*; *ānvīkshikī* consists (of the systems) of *Sāṁkhya*, *Yoga* and worldly (*Lokāyata*) philosophy; *vārttā* comprises agriculture, cattle-breeding and trade; and lastly, *daṇḍanīti* consists of the principles (*nīti*) of coercive authority (*daṇḍa*) of the king. The subject-matter of *trayī*, we are further told, is the Sacred Law (*dharma*) and its reverse, that of *vārttā* is wealth and its opposite, and that of *daṇḍanīti* is policy and impolicy. These definitions are reproduced in the work of Kāmandaka (III 7; ibid. 13–15). It follows from the above that *trayī* stands for the whole of the Brahmanical Canon and especially its branch of Law, *ānvīkshikī* represents the whole of scholastic philosophy, *vārttā* stands for the science of Economics (with the strange omission of industry from its contents) and *daṇḍanīti* represents the science of Politics and is concerned especially with the application of the coercive authority of the ruler.[5]

The discussion of the early *Arthaśāstra* authors referred to above which relates to a comparative estimate of the four sciences in the scale of human values indicates a conflict of views between three different schools. Representing the extreme orthodox standpoint the school of Manu holds that *ānvīkshikī* is a branch of *trayī*, so that the sciences are only three in number. This argument would deny the rank of science to the atheistic *Sāṁkhya* and the materialistic *Lokāyata* philosophy, both of which Kauṭilya includes (as just stated) under the above head. Going further than the above the school of Bṛihaspati excludes not only *ānvīkshikī* but also *trayī* from the list of sciences. Justifying this view the author advances the bold argument (Kauṭilya I 2) bordering upon heresy, namely, that for persons versed in worldly affairs *trayī* is only 'a shield against the charge of impiety and so forth': the argument quoted by Kāmandaka (III 4) is that mankind is principally devoted to the pursuit of wealth. It follows from the above that 'Economics and Politics' alone, according to this ultra-materialistic school, are entitled to rank as sciences. This would seem to mark the extreme swing of the pendulum from a position like that of Gautama who would recognise *trayī* and *ānvīkshikī* alone as the royal sciences. The last step in the process of simplification is taken by the school of Uśanas (Śukra). *Daṇḍanīti*, we are told, is the only science, for the operations of all other sciences are fixed in it: the other sciences, to borrow the expressive simile of the commentator

Śaṅkarārya (on Kāmandaka III 5), are like the spokes in the nave of a chariot-wheel. Politics, then, according to this ultra-political school, is the master-science providing the key to all the rest. One-sided and imperfect as are the judgements of these two extreme schools, they constitute an important landmark in the history of our ancient political thought, for they mark a fresh instance of the early application of the spirit of Indian rationalism to politics.[6]

Let us notice in the present context the relation between the two parallel concepts of *arthaśāstra* and *daṇḍanīti* in our present works. We have seen how *daṇḍanīti* is held by our authors to rank as a science side by side with (according to some, to the exclusion of) the other sciences. Nevertheless its scope is simply defined as comprising policy and impolicy. By contrast *Arthaśāstra* is shown by its definition as well as the contents of the works concerned to mean the art of government in the widest sense of the term. This comprises within its scope not only the branches of central and local administration as well as internal and external policy, but also the system of civil and criminal laws and the art of warfare. According to the original ideas of these authors therefore it would appear that *Arthaśāstra* is a comprehensive science of which *daṇḍanīti* is only a branch. This distinction is obliterated in fact as well as in name in the *Mahābhārata* and later works.[7]

THEORY OF THE STATE-STRUCTURE

Among the original and permanent contributions of the early *Arthaśāstra* thinkers to the stock of our ancient political ideas may be mentioned their doctrine of the seven constituent elements (*prakṛiti*) of the political organisation (*rājya*). From a reference in Kauṭilya (VIII 1) we can infer that this doctrine was accepted by them from the first as an article of their political creed. The list consists of the items *svāmī*, *amātya*, *janapada*, *durga*, *kośa*, *bala* and *mitra*. For reasons stated below we propose to translate these terms respectively as 'the sovereign ruler', 'the official (class)', 'the rural area', 'the fortified (or urban) area', 'the (permanent) revenue', 'the (standing) army' and 'the (permanent) foreign ally'.[8]

What is the significance of this famous category in relation to the concepts of State and government ? This has generally been taken to represent the ancient Indian idea of the State, it being argued by a distinguished Indian scholar[9] that among the many different meanings of the term *rajyā* that of State best suits the present context. To us it seems that this interpretation, though convenient, is not quite free from difficulties. In keeping with our idea of the State, it is true, the category distinguishes between the ruler and the ruled, while it refers likewise to the State-territory. But its further division of he rulers into two groups (*svāmī* and *amātya*) and of the State-territory under two heads (*janapada* and *durga*) as well as its reference to the two accessories of revenue and army appears to us from this standpoint to be unnecessary and redundant, while the reference to the foreign ally is unessential. In truth the category appears to us to consist of a catalogue of the

constituents of a State and its government comprising its administrative mechanism (*svāmī* and *amātya*), its territory (and figuratively its population) under two broad heads (*janapada* and *durga*), its military and financial resources (*bala* and *kośa*) and its external ally (*mitra*). It implies in other words a political organisation ruled by a king and his staff of officials over a definite territory (and derivatively its people) by means of a standing army and a permanent revenue and with the help of a foreign ally.

The discussion of the relative significance of the State-constituents by the early *Arthaśāstra* authors (Kauṭilya VIII 1) is set forth as a question of political pathology in the sense that the elements are compared not in their normal healthy state, but in their abnormal diseased condition (*vyasana*). Among the *vyasanas* of the seven elements, it is asked, what is the scale of relative seriousness? The unnamed Teacher so often quoted by Kauṭilya holds that in the list of the ruler, the official, the rural area, the urban area, the revenue, the army and the ally, the calamity of each preceding one is more important than that of the one immediately following. This gradation was adversely criticised by other authors who considered the calamities of the elements in a series of successive pairs. Of the significance of the authors' arguments and conclusions on the above discussion we shall have occasion to speak presently. But meanwhile we may observe that the arrangement of the elements on a graded scale indicates that the idea of the organic unity of the State had not yet dawned upon the minds of these early thinkers.

What then is the origin of this remarkable category of the State-constituents? It is to be sought, we think, in the shape assumed by the State in India in the course of its historical development in the post-Vedic times. The *Yajus-Saṁhitās* and the *Brāhmaṇas* bequeathed to the subsequent period the elements of a political organisation consisting of a king with his entourage of nobles and officials, his revenue and his troops as well as a definite territory. The development of this organisation took place in the following period along three lines. There arose, firstly, an organised bureaucracy, a permanent revenue and a standing army, secondly, a twofold division of the State-territory caused by the exigencies of the State-administration, and thirdly, a more or less definite foreign ally in the context of the prevailing State-system. It may next be mentioned that the theory of the seven constituents of the State in spite of its imperfections after the modern standards is not without its philosophical significance. In the first place the above theory helped to fix the concept of the monarchic State in the ideas of our political thinkers, although the definition of the *Arthaśāstra* was sufficiently wide to apply to monarchies as well as republics. In this the *Arthaśāstra* followed a parallel line of development with the canonical *Dharmasūtras* which, as we have seen in Chapter III, recognise the king as the normal element of the social system. In the second place the *Arthaśāstra* did a distinct service to the cause of our political thought through its attitude towards the king's domestic chaplain (*purohita*). In the Vedic

Saṁhitās and the *Brāhmaṇas* the *purohita* holds a conspicuous position in the counsels of kings. This position is maintained by him in the *Dharmasūtras* and even in the *Arthaśāstra* of Kauṭilya. Nevertheless it is remarkable that the *purohita* is conspicuous by his absence from the list of seven *prakṛitis* given above. Similarly the *Arthaśāstra* category of three powers to be explained by us presently, while recognising the threefold strength of the king derived from his wisdom and energy and his financial and military resources, is silent about the strength derived from his association with the *purohita*. It follows from the above that the State was conceived by these thinkers essentially as a human institution ruled with human appliances.

AUTHORITY AND FUNCTION OF THE COERCIVE AUTHORITY OF THE TEMPORAL RULER

The early *Arthaśāstra* authors develop an important principle concerned with the king's office, namely, that of his coercive authority (*daṇḍa*). In the *Dharmasūtras*, as we have seen in the preceding chapter, the king's duty of justly applying *daṇḍa* is sought to be supported on the ground that it is the means of ensuring the security and welfare of the people. It is in the early *Arthaśāstra* works that we come across the first attempt at a complete, if somewhat crude and one-sided, analysis of the tendencies and characteristics of *daṇḍa*. By the very title (*daṇḍanīti*) applied by them to their science the authors were led to conceive *daṇḍa* as the essence of government. This general estimate is supported by its detailed consideration by our authors. There is no such means of bringing creatures under control, says the Teacher (Kauṭilya I 4), as *daṇḍa*. With this may be compared a couple of verses attributed to Bhāradvāja in *Mahābhārata* XII 139. 7–8 and quoted likewise in Manu VII 102–3 : here the king is advised to bring all creatures under his control by means of *daṇḍa*, for the world stands very much in awe of one ready to apply *daṇḍa*. '*Daṇḍa* alone', says another verse common to Manu (VII 18) and *Mahābhārata* (XII 15.2) and probably borrowed by both likewise from a common *Arthaśāstra* source, 'rules all subjects, *daṇḍa* alone protects them, *daṇḍa* is awake when others are asleep, the wise declare *daṇḍa* to be identical with *dharma*'. According to a verse similarly common to Manu VII 22 and *Mahābhārata* XII 15.34 the whole world is kept in order by *daṇḍa*, for a guiltless man is hard to find, and it is through fear of *daṇḍa* that the whole world yields the enjoyments which it owes. In the above extracts *daṇḍa* is declared primarily to be the surest and the most universal means of ensuring public security and as such to be the foremost ruling and active political principle. This estimate is justified by an argument which involves the application of human psychology to Politics, namely, that men are predominantly evil. Secondarily it is held that *daṇḍa* is synonymous with Law, probably in the sense that the former is the essential means of fulfilment of the latter.

We may notice in this connexion a few extracts dealing with an old *Smṛiti* problem, namely, that of Brahmanical immunities. Even the preceptor,

who is incapable of discriminating between proper and improper acts and is given to evil ways, so runs a verse sung by King Marutta in his section on kingship (quoted in *Mahābhārata* XII 57.7), is liable to *daṇḍa*. When even a man learned in the *Vedānta*, says Uśanas (*Mahābhārata* XII 56.29), rushes forth to fight with weapons in his hands, he should be suppressed by the just king. In the following verse it is explained that the king who deals out just punishment does not destroy righteousness (*dharma*), since in that case fury recoils upon fury. The above extracts mean that the king is justified in disregarding the Brahmanical immunities in the interest of morality as well as of public order. This is based upon a principle which was destined to be repeated in the *Manusmṛiti* and other works, namely, that violence begets violence.

THEORIES OF GOVERNMENT

It is in the thought of the early *Arthaśāstra* authors that we find the first known traces in our political literature of a complete theory of government. We can conveniently examine this under three heads, namely, the king, the officials (*amātyas*), and the administrative organisation.

1. THE KING. From a reference in the *Mudrārākshasa* drama (Act III) of the poet Viśākhadatta we learn that the masters of the *Arthaśāstra* were credited with an enumeration of three kinds of administrative success (*siddhi*) depending upon the king, the minister (*sachiva*) and them both. This evidently involves a threefold estimate of the relative place of the king and the minister in the administrative set-up, namely, the subordination of the minister to the king and vice versa as well as the co-ordination of both. A reference in Kauṭilya (VIII 1) shows how the first two views were held by as many different early *Arthaśāstra* masters. According to the Teacher the calamity of the *amātya* is more serious than that of the king. This view is rejected by Bhāradvāja on the ground of pre-eminence of the *amātya*'s functions and personality : deliberation and consideration of its consequences as well as performance of the work undertaken therewith, it is argued, the management of the (State) income and expenditure, the mobilisation and disposition of troops, defence against enemies and foresters, providing security of the kingdom and remedying its troubles, guarding the king against his sons and performing their consecration, depend upon the *amātyas* : without them all these acts would remain undone and the king's activities would be cut off like those of a bird clipped of its wings : should the *amātya* be involved in trouble, the enemy's intrigues would find immediate scope : should they be disaffected, the king's life would be in danger, since they are near to the king's person. It follows from the above that while the king according to the Teacher was the most important unit in the administrative complex, Bhāradvāja by contrast held the *amātya* to be the hub of the administrative machine as well as the guarantee of security of the king and his kingdom.

Other references in Kauṭilya would seem to indicate the low estimate in which the king's office was held by the early *Arthaśāstra* thinkers. The rules for the selection of *amātyas* for specialised posts, which we shall presently consider in detail, involve testing of the candidates by artfully placing before them temptations for committing treason against the king and adultery with his queen. This suggests (as was to be shown afterwards by the keener judgement of Kauṭilya) a deliberate disregard of the dignity of the king's office, not to speak of the danger of corrupting innocent minds with thoughts of treason. That even the Teacher shared in this general low estimate of kingship is shown by other examples. Posing the problem of the comparative evil of successive pairs of kings in distress (*vyasana*), he declares (Kauṭilya VIII 2), that a diseased king is worse than a new one, that a weak but high-born king is worse than a strong but low-born one, and what is more, that the dual rule (of a father and son or of two brothers) is worse than the rule of a conqueror. These striking conclusions are supported by arguments into which it is not possible to enter here. The same attitude is reflected in the Teacher's judgement (Kauṭilya VIII 4) that the strife between the king's chief subjects (*prakṛitis*) is a worse evil than the strife between kings and that the diversions of the people (literally, the country) are worse than those of the king. It follows from the above that the principle of kingship as well as the dynastic principle, according to the above-named thinker, is of a relatively minor significance in the affairs of government.

2. THE OFFICIALS (*amātyas*). An important discussion of the early *Arthaśāstra* authors (quoted by Kauṭilya I 8 ; ibid. 10) introduces us for the first time in the history of our political thought to their theories of the recruitment and selection of officials. The problem in the first instance consists, according to these thinkers, in discovering the right type of men for the office of *amātya*. The king, says Bhāradvāja, should appoint his class-mates as *amātyas*, for they can be trusted. Declaring that these men might slight the king, Viśālāksha asks the king to appoint those who share his virtues and vices, for they would not dare to do him wrong. Thinking that these men might compel the king to approve all their acts whether proper or improper, Parāśara urges the king to appoint those who have stood by him in perils involving the risk of life. Rejecting this view as ensuring loyalty but not intelligence, Piśuna asks that the king should appoint those who being appointed to financial offices produce or increase the estimated revenue. Declaring such men to be wanting in other qualifications, Kauṇapadanta advises the king to appoint those who have hereditarily filled office, for by an instinct, natural even to the domestic animals, they will not desert him even if he misbehaves with them. Considering such men to be likely to assume the airs of their masters, Vātavyādhi says that the king shall appoint new men versed in policy, for they would not dare to do him wrong through fear of his might. Such men, says 'the son of Bāhudantī', possessing theoretical knowledge of the science but no knowledge of its practical application, would come to grief in the performance of their works, and hence the king should

appoint those who are gifted with the qualities of high birth, wisdom, purity, heroism and loyalty.

In contrast with our authors' divergences about the methods of recruitment of the *amātyas*, stands their agreement upon selection of these officials for special posts. From a reference in Kauṭilya (I 10) we learn that the early masters (*āchāryas*) of the science held that the *amātyas* who had been purified by the four tests were to be appointed to posts according to the tests severally passed by them. The tests consist in tempting the candidate by means of secret agents to commit acts of treason against the king (when they are called Virtue, Wealth and Fear tests) and to commit adultery with his queen (when it is called the Pleasure test). Those who have passed the Virtue test should be appointed to offices in the departments of judicial administration and of summary trials of offenders against the interests of the public and of the State : those who have passed the Wealth test should be appointed to offices belonging to the collection and deposit of the king's revenue : those who have passed the Pleasure test should be appointed for guarding the royal ladies : those who have passed the Fear test should be posted near the king's person : those who have passed all the tests should be appointed ministers (*mantrīs*).

The discussion of our authors regarding the technique of the king's consultation with his ministers (*mantrīs*), quoted by Kauṭilya in another place (I 15), recalls in its keenness the one described above about the recruitment of *amātyas*. The extreme view on this point is held by Bhāradvāja who declared, because of the risk of disclosure of the king's counsel, that the king should be his own minister. This counsel of despair is rejected by Viśālāksha on the strength of his remarkable theory of the nature and functions of State-consultation (*mantra*). The king's business, he argues, is of three kinds, namely, what is directly perceived, what is observed indirectly, and what is inferred. This leads him further to analyse the work of the *mantrī*. Within the *mantrī*'s competence, Viśālāksha says, lie apprehension of what is not understood, ascertaining what is apprehended, confirming what is ascertained, removing doubts in dubious cases, and inferring the rest of a work from its partial apprehension. Viśālāksha accordingly advises consultation by the king on the widest scale. The king, he says, should consult the learned ; he should not slight anyone but should listen to the advice of everyone, he should accept even the advice of a child when it is reasonable. Rightly rejecting this quixotic view on the ground of its failure to ensure secrecy of counsel, the school of Parāśara asks the king as a means of ensuring the twofold objective of *mantra* (namely, its soundness and its success) to consult the ministers on a subject similar to the one he has in hand. Piśuna rejects this view on the ground that the ministers in that case are likely to be negligent in their advice, or else betray the same. The twofold objective, he thinks, will be ensured by the king's consultation with the ministers on the subjects in which they are severally the experts. The problem of the constitution of the council of ministers (*mantriparishat*) forms the subject

of a similar difference of opinion among our authors, though unfortunately we are left in the dark about their arguments. The number of officials constituting this Council is stated variously (Kauṭilya, I 15) as twelve (school of Manu), sixteen (school of Bṛihaspati), and twenty (school of Uśanas).

The above extracts illustrate some important political principles of our authors which may be noticed here. Thus in the first place the above-quoted discussion of the problem of recruitment of the officials reveals on the whole a progressive development of thought on the subject. For while at the one end we find a thinker seriously recommending the king's class-mates and another suggesting those sharing in the king's virtues and vices for these posts, we are confronted at the other end with an author listing the qualities of birth, intelligence and character as the officials' qualifications. In the next place the views of our authors about the method of selection of the officials, however crude they might appear in their practical application, involve a sound political principle. This is the principle of specialisation in the selection of officials for different types of administrative posts. In the last place the discussion of the technique of the king's consultation by our authors indicates a progressive advance of their ideas on the subject. For we find our thinkers advancing from the policy of doing away with political consultation in the interest of its secrecy through a just appreciation of its political advantages to the policy of the king's consultation of experts in the interest of its secrecy as well as soundness.

3. ADMINISTRATIVE ORGANISATION. In connection with the above-quoted discussion (Kauṭilya VIII 1) of the relative seriousness of the calamities of the seven constituents of the State (*prakṛitis*), Piśuna rejects the Teacher's view that the calamity of the revenue (*kośa*) is more serious than that of the fortified area (*durga*). This criticism is justified by reference to the greater political and military advantages of the former in comparison with the latter. The repair and maintenance of the *durga*, it is argued, depend upon the *kośa* : by means of the *kośa* the *durga* can be subjected to intrigue, while the rural area as well as friend and foe can be controlled and distant allies can be encouraged and the troops can be supported : the *kośa* unlike the *durga* can be removed in a time of danger. In the same connexion Kauṇapadanta puts forth the political and military advantages of the army (*daṇḍa*) in proving against the Teacher the calamity of the army to be more serious than that of the revenue. Controlling friend and foe, it is pointed out, winning over the enemy's troops and leading one's own troops against the enemy depend upon the army : while the revenue is certain to be lost without the army, the latter can be maintained without the former in various ways : he who has the army has the revenue : the army being near the king's person partakes of the nature of the officials. In the above, it will be noticed, Piśuna claims for the revenue the advantages of helping to gain the enemy's forts, of supporting the troops and of maintaining the authority of the ruler as well as that of mobility. Similarly, Kauṇapadanta argues that the army is the means of winning military and political success.

GEO-POLITICAL IDEAS IN THE EARLY *ARTHAŚĀSTRA*

The discussion of the early *Arthaśāstra* thinkers about the relative seriousness of the calamities of the seven State-constituents stated above furnishes the occasion for introducing a body of what may be called geo-political ideas into our ancient literature. In this context Viśālāksha, rejecting the Teacher's opinion, ranks the calamity of the rural area (*janapada*) above that of the officials: the revenue and the army, he argues, the military transport, compulsory labour as well as raw materials of different kinds are derived from the *janapada* without which they have no existence. Again, the school of Parāśara, contrary to the Teacher's view, ranks the calamity of the fortified area (*durga*) above that of the rural area (*janapada*): the revenue and the army, it is argued, arise out (of protection) of the *durga*: the *janapada* has its refuge in the *durga* in times of danger, and the townsmen are strong, permanent and helpful in dangerous times, while the country-people are indistinguishable from enemies. In other words according to Viśālāksha the rural area is the grand reservoir of the financial, military and economic resources of the State and is as such the indispensable basis of its existence. In the opinion of the school of Parāśara, on the other hand, the fortified area by virtue of its providing a place of security for the State's resources and inhabitants and because of its containing the sturdiest and the most loyal elements of the population is a stronger asset of the State than the rural area.

The geo-political ideas of the early *Arthaśāstra* thinkers are exhibited more fully in their discussion of the principles and problems of inter-State relations which we shall attempt to examine in detail in another place. But a few points may be noticed meanwhile. The definition of the threefold condition of States namely, 'Progress', 'Decline', and 'Equilibrium' by these authors turns on the question of facilitating a king's programme for the total development of his military and economic resources to the detriment of those of the enemy. Again three of the sub-types of treaties (*sandhi*) described by these authors deal with the mutual agreement of two States for the acquisition of lands, the colonisation of waste lands, the construction of forts and irrigation-works and the provision of trade-routes. The relative advantages of different types of these objectives are discussed by the Teacher in a series of successive pairs. These references undoubtedly indicate a high degree of appreciation of the military and economic potentialities of the State territory.

PRINCIPLES AND POLICIES OF GOVERNMENT

We may conveniently approach the early *Arthaśāstra* view of the principles and purposes of government by considering the authors' attitude towards the ordinary aims of human existence. While discussing the claims of the traditional sciences the school of Bṛihaspati, as we have seen, eliminated the Sacred Canon from the list on the ground that mankind is principally devoted to the pursuit of wealth. Again, according to the school of Parāśara

(quoted by Kauṭilya VIII 3) Wealth (*artha*) is the root of Virtue (*dharma*) and Pleasure (*kāma*). The above extracts indicate the strong tendency of the early *Arthaśāstra* towards a materialistic view of human ends, of which the influence may be traced in its notions and conceptions of government.

Although the principles of government laid down by our authors are mostly embedded in their statements of internal and external policy, there are some points which are indicated independently by them. A king who does not fight, says Bṛihaspati (*Mahābhārata* XII 23.14) or Uśanas (ibid. 57.2), and a Brāhmaṇa who does not go abroad (for study) are swallowed up by the earth just as creatures living in holes are devoured by a snake. If the king becomes too forgiving, so run two verses in the work of Bṛihaspati (ibid. XII 56.39–40), the lowly folk overpower him like an elephant-rider seeking to ascend the head of that creature : the king, therefore, should be neither (too) mild nor (too) severe, but he should be like the vernal Sun which causes neither cold nor perspiration. It is by exertion, so run two other verses of Bṛihaspati (ibid. 58. 13–15) that ambrosia was won by the gods, that the demons were killed, and that lordship was won in heaven by the god Indra : the man who is steady in exertion overcomes one who is steady in speech : like a snake bereft of its poison a king devoid of exertion, even if intelligent, becomes constantly vulnerable to the enemy's attack. In the above extracts the authors on grounds of public policy warn the king against the danger of extreme pacifism as well as that of carrying forbearance to excess, while they enjoin exertion upon the king by the same argument fortified by a divine example. We may notice here a short extract of Bhāradvāja (the early *Arthaśāstra* authority of that name ?) quoted from his work called *Shāḍguṇyaprastāva* ('The manual relating to the six types of foreign policy') in Somadeva's celebrated religious romance called the *Yaśastilaka* (IV 100). If the good people are dishonoured and the bad ones are held in esteem, we are here told, if living beings are injured, if injustice is done, if those worthy of respect are insulted and if those who are trustworthy are killed, the people perish and the king's life is cut short. This passage evidently conveys a strong warning against the king's oppression of his subjects.

It will be convenient for us to examine the early *Arthaśāstra* lines of State policy under two broad heads, namely, those relating to the personal security of the king and those bearing upon his inter-State relations. Under the first head we have to mention an interesting problem which was keenly debated by these early thinkers, namely, that of the king's protection against his own sons. The authors (Kauṭilya, I 17), while recognising in the princes the greatest potential danger to the king's security, differ widely in their remedies for the same. Thus Bhāradvāja declares with brutal frankness that princes for whom their father feels no affection at their birth should be killed in secret. Scarcely less reprehensible is the cynical advice of Vātavyādhi, namely, that the princes should be deliberately lured to sensual indulgence, for in that case they would never hate their father. A more

complex and dubious advice is given by an otherwise unknown school, namely, that of Āmbhi : according to this school, while one spy should tempt the prince to indulge in vices and to commit treason against his father, another spy should dissuade him from the same. The other authors suggest different methods of keeping the prince under restraint, which agree in indicating a complete distrust of the prince (or his guardian). According to the school of Parāśara, keeping the prince under restraint in the king's neighbourhood (as suggested by Viśālāksha) is like the danger from a lurking snake, for the prince scenting in this act the king's fear of his might would apply force : in the view of Piśuna, keeping the prince under restraint under a Warden of the Marches (as advocated by Parāśara's school) is like the danger from a fighting ram, for the prince feeling as above would use force against the king with the help of his guardian : if (as Piśuna suggests) the prince is kept under restraint in the distant fort of a vassal, the latter, Kauṇapadanta thinks, would exploit the prince for fleecing the king : should the prince (as Kauṇapadanta suggests) be made over to his maternal relations, the latter, says Vātavyādhi, would exploit the prince in the same way. The above extracts agree on the point that the greatest danger to the king lies in the unprincipled ambition of his sons, and therefore the security of the king's person against them should be a fundamental objective of State policy. Of the further significance of the above discussion as illustrating the early *Arthaśāstra* attitude towards morality we shall speak presently.

We may mention in this connexion Bhāradvāja's discussion (Kauṭilya v 6) of a concrete problem of State policy, namely, that dealing with the minister's behaviour in the political crisis caused by the fatal illness and death of his master. Here the author tells us with undisguised frankness how the minister should utilise his unique opportunity to instigate the members of the royal household and the State-officers to fight with one another, how he should thereafter cause them to be slain by provoking the indignation of the subjects or else procure their assassination, and how finally he should usurp the throne for himself through blood and treachery. This extract, as we shall see presently, is of supreme significance in illustrating one aspect of the early *Arthaśāstra* attitude towards morality.

Let us next turn to the early *Arthaśāstra* policy regarding inter-State relations. These early thinkers, to begin with, introduce us to a number of important concepts and categories, which thenceforth become the axioms of our political thinkers. Such are first, the concept of the State-system (*maṇḍala*) and secondly the categories of the six types of foreign policy (*guṇas*), the three-conditions of States (namely, those of Progress, Decline, and Equilibrium), and the king's three Powers (namely, those of counsel, material resources, and prowess). The *maṇḍala*, to begin with, is conceived by these thinkers as consisting of an aggregate of kings, friendly, hostile and neutral, grouped around the figure of a central king significantly called the Aggressor (*vijīgishu*). From a few citations in Kāmandaka we learn how

various types of *maṇḍala* were conceived by the early *Arthaśāstra* thinkers. The standard type (Kauṭilya, VI 2 ; XII 16–19) comprises a group of twelve kings consisting firstly, of the Aggressor, secondly, of a set of five kings in his front alternately functioning as his foes and his friends, but with receding degrees of this relationship according to their distance from him, thirdly, of another set of four kings in his rear, alternately functioning as his foes and his friends in the same fashion, and fourthly, of two neutral kings. This type of *maṇḍala* consisting of twelve kings is ascribed by Kāmandaka (XI 22) to Uśanas and is praised by him (XII 41) as 'the one acknowledged by all'.

What is the origin of this remarkable concept of the early *Arthaśāstra* thinkers ? It must be sought, we think, in the nature of the mutual relations of States in Northern India in the period with which we are here concerned. Dim as is the historical picture, we can still discover for this period a chain of States (sometimes mentioned as sixteen in number) which extended from the basin of the Upper Indus to that of the Lower Ganges and from the Himalayas to the Malwa table-land. The States were frequently brought into contact, friendly or hostile, with one another. The *Arthaśāstra* concept of the *maṇḍala* types, it seems to us, expresses these groupings of States in various stratified forms. In discussing the political significance of the *maṇḍala* concept we have first to observe that its severely literary and scholastic character is apparent on the surface. We can read it in the conventional number of its constituent States, and above all in their schematic arrangement on the basis of their geographical situation. In practice it is evident that not only would the number of the States vary with the changing circumstances, but their relations instead of being permanently fixed by geography would be shaped by the harmony (or conflict) of their vital interests. Nevertheless the *maṇḍala* concept of the early *Arthaśāstra* is an important landmark in the development of our ancient political thought. It contemplates a system of States bound by hostile, friendly or neutral relations with an ambitious potentate—an Indian Louis XIV or Napoleon—as its central figure. It thus lifts foreign relations to a plane on which they can truly be called international (or more strictly inter-State).

The *maṇḍala* concept above described has its counterpart in the category of six types of foreign policy (*guṇas*). If the former reflects the schematic grouping of States by our authors after the pattern of inter-State relations in post-Vedic times, the latter expresses with pedantic thoroughness the wide range of those relations. The list of the six *guṇas* comprises the items, peace (*sandhi*), war (*vigraha*), attacking the enemy (*yāna*), neutrality (*āsana*), seeking protection from a powerful king (*saṁśraya*), and the 'dual policy' (*dvaidhībhāva*). These terms are thus defined by Kauṭilya (VII 1) : *sandhi* means peace based upon agreement (or more generally a treaty), *vigraha* involves injuring the enemy, *yāna* implies excessive accession of strength, *saṁśraya* means surrender to another king, *dvaidhībhāva* involves

the simultaneous application of *sandhi* and *vigraha*. We may quote in this connexion an interesting discussion (Kauṭilya, loc. cit.) of the early *Arthaśāstra* relating to the list of the six *guṇas*. While the Teacher enumerates their number as six, Vātavyādhi reduces it to two, namely, *sandhi* and *vigraha* on the ground that the six *guṇas* are carried through thereby. In other words Peace and War, according to this authority, are the two fundamental types of inter-State relations and the others are their derivatives.[10]

We may begin our analysis of the early *Arthaśāstra* discussions of inter-State relations by quoting a short extract bearing on the advantages of a foreign ally in the administrative set-up. In the extract (Kauṭilya VIII 1) referred to above, Vātavyādhi rejecting the Teacher's view holds the calamity of the ally to be more serious than that of the army. Unlike the army, it is argued, the ally helps the king from a distance without requiring payment: he keeps under check the king's rearward and other enemies: he benefits the king in distress with gifts of money, troops and land. This criticism indicates on the part of its author an almost naïve belief in the helpfulness of a foreign ally.

Let us next mention an extract conveying an early *Arthaśāstra* definition of the objectives of foreign policy in the context of the threefold condition of States quoted above. The king, says the Teacher (Kauṭilya VII 1), shall select that *guṇa* which in his opinion would enable him to construct forts, start irrigation-works, open trade-routes, colonize waste-lands, work mines and create forests of economic products as well as elephant-preserves and at the same time to frustrate the similar works of his enemy, such *guṇa* leading to Progress (*vṛiddhi*): he shall eschew that *guṇa* which he thinks would hinder his own works and favour those of his enemy, this *guṇa* leading to Decline (*kshaya*): the condition of Equilibrium (*sthāna*) arises when the king follows that *guṇa* which leads neither to Progress nor to Decline of his works. The author's further observations involve the modification of the general line of policy sketched above in the light of prospective changes in the balance of power of the two States. The king, we are told, may neglect the enemy's Progress if he thinks that his own Progress will be quicker, fuller and more progressive, while the enemy's Progress will be of a reverse character: the king, however, shall conclude a peace with agreement (*sandhi*) if he thinks that the Progress of both will mature at the same time and bear equal fruit: the king in similar circumstances may neglect his own Decline or Equilibrium and in the alternative make a treaty. The above passage involves three important principles. These are firstly, that the test of the relative strength of two States lies in their capacity for the total development of their respective economic and military resources: secondly, that the volume of this development is to be sought for especially in the perspective of the immediate future: thirdly and lastly, that the key to the selection of a particular type of foreign policy is to be sought in its suitability for promoting such development of a king's own resources and denial of the same to his enemy.

We may next consider a few extracts quoted by Kauṭilya (IX 1) in connexion with a king's policy of attacking his enemy. Referring to the three factors of Power (*śakti*), Place (*deśa*), and Time (*kāla*), the Teacher holds the first to be superior to the second and the third. He who is strong, it is argued, is capable of overcoming the disadvantages of high and low ground as well as cold, hot and rainy seasons. Others declare on the analogy of the strife between the dog and the crocodile the place-factor to be superior to the rest, while still others hold on the analogy of the strife between the crow and the owl the time-factor to be such. Analysing the power-factor into its three constituent elements, namely, the strength of prowess (*utsāhaśakti*), the strength of material resources (*prabhāvaśakti*), and the strength of counsel (*mantraśakti*), the Teacher further holds the first to be superior to the second and the second to the third. If the king, it is argued, is himself heroic, strong, free from disease and versed in the art of warfare, he can with the help of his army alone overcome another king who is possessed of the strength of material resources, while he can make his army, be it never so small, effective by inspiring it with his own energy : on the other hand if the king is devoid of energy though possessed of material resources, he is overcome by superior might and is destroyed : if the king is possessed of the strength of deliberation but is devoid of material resources, the application of his intelligence becomes barren of result, while his want of resources ruins his deliberative operations just as drought ruins the sprouting seeds of grain.[11]

The extracts quoted above involve a number of important principles. Firstly we are told that the selection of the policy of attacking the enemy is a military problem in the widest sense of the term, since it involves consideration of the relative strength of two rival States as well as that of strategy and tactics involved in the factors of place and time : the estimate of the relative importance of these three factors is given in as many different ways by the early masters. In the second place the reference by these thinkers to the factor of the strength of States marks an original contribution to our ancient store of political ideas : this consists in conceiving the State as Power and in applying the principle of Power-politics to the sphere of inter-State relations. Thirdly, the strength of the State is conceived by these thinkers as having a threefold composition : this comprises a moral, a material and an intellectual element. Fourthly and lastly, the Teacher's comparative estimate of the three elements just mentioned with the volitional element heading the list and the intellectual element placed at its bottom, betrays a characteristic feature of his statecraft : this is his tendency towards anti-intellectualism which is at the opposite pole of the attitude of Kauṭilya to be explained in the following chapter : it means that inter-State fighting is primarily a race for the display of personal energy and only secondarily a game of craft and skill.

Application of the policy of attacking the enemy is treated by the Teacher in another extract (Kauṭilya VII 5) purely as a political problem.

Here the author asks, 'Which one of two equally vulnerable kings, the one with declining and greedy subjects (*prakṛitis*) and the other with alienated *prakṛitis* should be attacked first?' Giving his verdict in favour of the former alternative, the Teacher observes that in the first case the ministers and others easily succumb to the enemy's intrigues or his oppression, but in the second case they cannot be overpowered unless their leaders are secured. It will be observed that the factor shaping the choice of the policy of attack is here held to be the alternative condition of the enemy's subjects, according as they are subject to decline and greed, or alienation from their ruler. The Teacher's argument holding the former to be an easier prey than the latter is based upon the principle that alienated subjects are helpless without their leaders.

The discussion of the policy of offensive warfare leads the Teacher in one place (Kauṭilya VII 13) to consider the relative advantages of intrigue and violence. When two kings are engaged in attacking a rearward enemy and in military expeditions, we are told, they gain most who engage in the battle of intrigue (*mantrayuddha*): in the case of armed fight (*vyāyāmayuddha*), on the other hand, both parties suffer from the expenditure of men and money, while even the victor suffers defeat because of his loss in revenue and in troops. Intrigue in other words is preferable to violence even in offensive warfare because of the heavy cost of the latter.

Let us next consider a discussion of our authors relating to the policy of defence. When a king is attacked by a powerful enemy, says the Teacher (Kauṭilya VII 15), when the circumstances justifying his taking refuge in a fort are wanting, while the enemy is overwhelmingly strong, he should leave the fort and run away for safety. In the alternative he should fling himself upon the enemy 'like a moth entering a flame'. This desperate remedy is justified by an equally rash argument, namely, that when one gives up all hopes of his life, he (sometimes) achieves a fruit other than certain destruction. When a weak king is attacked by a powerful enemy, says the more practical Bhāradvāja (Kauṭilya XII 1), he should always act like a reed in water and be submissive : for, so runs this thoroughly sophistical and cowardly plea, he who bows to the strong bows to the god Indra. With the above may be compared the view of Bṛihaspati (Kāmandaka XIV 16), who advises a king attacked by an adversary of equal strength to conclude a treaty (*sandhi*). This is justified by the thoroughly realistic argument to be repeated in the later *Smṛitis*, namely, that the chances of victory in battle are uncertain and that what is doubtful should not be attempted. On the other hand Viśālaksha (Kauṭilya XII 1) advises the weak king to fight his powerful aggressor with all his might : display of valour, he argues, overcomes all dangers, while fighting is the duty (*dharma*) of the Kshatriyas, whether it ends in victory or defeat. In the above extracts a weak king attacked by a powerful aggressor is recommended variously to seek safety by flight or complete surrender or a treaty, or else to risk a desperate attack.

While the arguments in favour of the first two alternatives require no comment, the third alternative is justified by its author on the ground of policy, and the fourth partly on this ground and partly by the *Smṛiti* principle of the Kshatriya's obligation of fighting in accordance with the law of his order.

It is characteristic of the minute and exhaustive study of inter-State relations by our authors that besides describing the six basic types of foreign policy above mentioned, they deal with different sub-types of those policies. The discussion of the different sub-types of treaties (*sandhi*) by the Teacher involves his appraisement of various types of allies, lands, forests, mines and trade-routes in the scale of their political, military and economic values. To begin with the first point, the Teacher considers (Kauṭilya VII 9) under the head of 'treaty for the acquisition of an ally' (*mitrasandhi*) the problem of the relative advantages of different types of allies in successive pairs: these are firstly, a pair equally in distress, of whom one is permanent but not submissive and the other is his reverse; secondly, a pair equally submissive one of whom has great wealth but is impermanent while the other is his opposite; thirdly, a pair of whom one is strong but difficult to rouse to action and the other is his reverse; fourthly, a pair one of whom has scattered but not submissive troops and the other has the reverse; fifthly, a pair one of whom gives help with men and the other with money; sixthly and lastly, a pair one of whom helps with money and the other with land: in the case of each of these pairs the author declares by means of reasoned arguments his preference for the one first-named to the other. In the second place under the head of 'treaty for the acquisition of money' (*hiraṇyasandhi*) the Teacher, in the same context (Kauṭilya VII 9), considers the relative advantages of quick but small gain and deferred but large gain, and he decides in favour of the first alternative. The Teacher's discussion (Kauṭilya VII 10–12) of the different types of treaties for the acquisition of land (*bhūmisandhi*), for the colonisation of waste lands (literally, indeterminate treaty, *anavasitasandhi*) and for the construction of forts and similar works (*karmasandhi*) involves the application of the familiar geo-political ideas of the early *Arthaśāstra* to inter-State politics. The pairs of these objectives considered by the author are: firstly, rich land with a permanent enemy and poor land with an impermanent enemy; secondly, land which is rich in forests of economic products and that which is rich in elephant-preserves; thirdly, elephant-preserves with numerous but weak and with few but strong elephants; fourthly, mines with a scanty but very precious yield and with a large but cheap output; fifthly, water-routes and land-routes; sixthly and lastly, the Himalayan and the Southern land-routes as well as the Eastern and the Western land-routes. It will be sufficient to quote here the author's argument bearing upon the last two groups. Water-routes, we are told, cost little in men and money and carry much merchandise: again we read that the Himalayan route carries valuable merchandise comprising elephants, horses, aromatics, ivory, skins, gold and silver.

The above extracts are important in the first place as introducing a threefold objective of treaty-relations between States, namely, an ally, money and land. Among these objectives the Teacher holds men to be more important than money and money than land. Going into fuller detail the same author thinks the test of a good ally to be his permanence instead of his submissiveness, his possession of great though impermanent wealth instead of its reverse, strength instead of quickness of action, and capacity for helping with men instead of money and with money instead of land. The test of good pecuniary gain, we are further told, is quick though small, instead of deferred though large, yield. The criterion of a good land, the author further thinks, is its richness in spite of insecurity, that of a good forest is its yield of economic products instead of elephants, that of a good mine is the quality of its output instead of its quantity, that of a good trade-route is the slight cost of its maintenance as well as the quantity and value of the merchandise borne along it.

ATTITUDE TOWARDS RELIGION AND MORALITY

At the end of the above survey of the leading tendencies and characteristics of the early *Arthaśāstra* thought, let us endeavour to describe the attitude of the thinkers towards religion and morality in relation to statecraft. As regards the first point, the category of the four sciences which comprises the three *Vedas* as well as *daṇḍanīti* in their traditional list evidently involves the principle of separation of Politics from Theology. The extreme step in this direction is marked by the criticism of the two schools of Bṛihaspati and Uśanas (Śukra) who agree, as stated above, in eliminating the *Vedas* from the list of sciences. This would seem to countenance the complete emancipation of Politics from the yoke of Theology. Such, however, is not the attitude of Bṛihaspati after a quotation in the *Mahābhārata* (XII 140. 16): here we read that the injunctions of duties can be performed neither by following the test of the canon alone, nor by applying reason alone. In other words canonical authority and human reason are the joint standards for the rules of human conduct. Whatever that may be, we can trace, we think, the influence of the basic principle of the separation of Politics from Theology upon the early *Arthaśāstra* in two principal directions. In the first place the authors, in contrast with the exponents of the Brahmanical *Smṛitis*, approach the problems of State and government from the realistic standpoint. Thus the Teacher, in a passage quoted above (Kauṭilya VIII 2), compares the relative evil of a strong but low-born and a weak but high-born king, while elsewhere (ibid. IX 2) he discusses the relative merits of Brāhmaṇa, Kshatriya, Vaiśya and Śūdra warriors : this attitude is unlike that of the *Smṛitis* which reserve the occupations of ruling and fighting normally for the single class of Kshatriyas. In the second place, the standard of application of the principles and policies of government in the early *Arthaśāstra* is, as a rule, not the law of the Kshatriya's (or the king's) order imposed upon him by the canon, but political expediency. Very characteristic from this standpoint

is the Teacher's discussion (Kauṭilya VII 17) of the relative authority of two different types of treaties : the treaty which is based upon solemn affirmation (*satya*) as well as oath (*śapatha*), we are told, is mutable, while the treaty that is supported by security (*pratibhu*) or pledge (*pratigraha*) is immutable. In other words the test of the validity of a treaty is not its moral or religious sanction, but its accompaniment with pledges and securities. It is, again, permissible to think that the policy of exploitation of religion for political ends which is such a notable feature of Kauṭilya's statecraft was derived by him from his predecessors. It is, however, only fair to state that occasionally as in Viśālāksha's statement of policy of a weak king towards his powerful adversary quoted above, the author combines the *Smṛiti* conception of the Kshatriya's distinctive duty with the *Arthaśāstra* principle of political expediency. Summing up the above, we may state that the general tendency of the early *Arthaśāstra* authors was to ignore the restraints of the canon upon statecraft and further, it is probable, to utilise religion as the instrument of the latter.

Let us proceed in the next place to consider our authors' attitude towards morality. In making acquisition and preservation of dominion the grand aim of their science, these thinkers were necessarily led to view their problems primarily from the standpoint of the interest of the State. This attitude caused some of the extreme exponents of the science to set up the goal of the king's interest as the sole criterion of statecraft. In the branch of internal administration we have seen how under the urge of ensuring the king's security Bhāradvāja suggested the extreme step of secret murder of unwanted princes, while Vātavyādhi advised the scarcely less heinous course of luring the princes to sensual indulgence, and the school of Āmbhi, with less logical correctness but with equal disregard of morality, recommended the policy of alternately tempting the princes to vice and treason and dissuading them from the same. The same attitude towards morality is displayed in the sphere of inter-State relations. In their stock list of the six types of foreign policy, as we have seen, our authors include the item 'dual policy' which involves the submission of a king with the thought of treachery at heart. Again in the opinion of these ancient thinkers unending and complete distrust of the foreign enemy is a fundamental canon of foreign policy. A king, we read in a quotation from Uśanas in *Mahābhārata* (XII 136. 185), after concluding peace with a powerful enemy in a matter involving co-operative undertaking, shall proceed cautiously, and when the object has been achieved, he shall not repose trust in the enemy. He who trusts the words of an enemy, whether true or false, says another quotation from the same authority in *Mahābhārata* (XII 137. 67), meets with destruction like honey sucked by dry grass. Perpetual distrust and treachery combined with heartless cruelty towards the enemy form the key-note of the long discourse of the sage Bṛihaspati to god Indra and that of the sage Kaṇiṅka Bhāradvāja to king Śatruñjaya (*Mahābhārata* XII 104 and 138) to be quoted in a later chapter. These discourses

may well have been based upon the teachings of the old *Arthaśāstra* masters.

Nowhere in the thought of the early *Arthaśāstra* is the divorce of politics from morality so complete as in the above-quoted account (Kauṭilya v 6) of Bhāradvāja's advice to the minister in the political crisis arising from his master's fatal illness and death. We have observed elsewhere how this author advises the minister in the situation above mentioned to usurp the throne by a deliberate course of treachery and murder. This is justified by the arguments based upon the naked principle of individual self-interest. For the sake of the kingdom, we are told, the father hates his sons and the sons their father, what then to speak of the minister who is the sole prop of the kingdom ? The minister, therefore, should not throw away what has fallen of itself into his hands. Quoting in the following lines the proverb of a woman making love of her own accord and cursing the man who repulses her, the author further observes that opportunity comes only once to a man who is waiting for it, but it seldom comes again to him even when he may desire to do the work. The above extract, it will be seen, not only involves the undisguised sacrifice of moral principles for political ends, but it also lacks the saving grace of appeal to the necessity of the State : on the contrary, the author parades his creed of unbridled selfishness and holds up the State itself as a standing example of its free play. If in Bhāradvāja the statecraft of the early *Arthaśāstra* reaches its nadir, a healthy reaction is noticeable in the attitude of another early *Arthaśāstra* thinker. In the context (Kauṭilya I 17) from which we have quoted above, Viśālāksha, while rejecting Bhāradvāja's monstrous suggestion for killing unwanted infant-princes, argues that this would be an act of cruelty as involving killing of the innocent as well as extinction of the seed of the Kshatriya stock.

Summing up the above, we may state that the early *Arthaśāstra* authors with honourable exceptions led the way to a new development in our ancient political thought, namely, that relating to the separation of Politics from Ethics. How this attitude influenced the political ideas not only of Kauṭilya, the great master of the *Arthaśāstra*, but even of the political theorists in the *Mahābhārata* and later works will be shown in the following chapters.

GENERAL TENDENCIES AND CHARACTERISTICS OF EARLY *ARTHAŚĀSTRA* THOUGHT AND ITS PLACE IN THE HISTORY OF ANCIENT INDIAN POLITICAL IDEAS

Let us conclude this chapter with a general estimate of the leading tendencies of the early *Arthaśāstra* thought and its significance in the history of the development of our ancient political ideas. The number and variety of these authors, it is hoped, have been sufficiently demonstrated in the course of the foregoing pages. Nevertheless it is possible, we think, to discover some uniform characteristics transcending this undeniable diversity. In judging the qualities of the early *Arthaśāstra* thought we cannot but mention at the outset its striking originality. Not to speak of its

categories, the early *Arthaśāstra* in some of its branches, such as those relating to the coercive authority of the temporal ruler, the recruitment and selection of the officials and the technique of the king's secret consultation with his ministers, the conception of the military and economic potentialities of the State-territory and the broad lines of internal and foreign policy, virtually broke new ground. Originality in respect of political ideas, however, is a quality shared by the early *Arthaśāstra* with the *Dharmasūtras* as well as the Buddhist canonical works. The distinctive merit of the early *Arthaśāstra*, it seems to us, lies in its fearless freedom of thought. We thus find in the list of its teachers and schools those who did not hesitate to exclude the holy *Vedas* from the class of sciences on the ground of their being 'a superfluity' (or according to another interpretation 'a hindrance') to the men of the world, and those who set up the gospel of the naked self-interest of the ruler (and in one instance that of the individual minister) as the canon of statecraft. We may also mention without comment such statements quoted above as that Wealth is the root of Virtue and of Pleasure (the school of Parāśara), and that the rules of duty should be understood neither by means of the sacred text alone nor by reason alone (Bṛihaspati quoted in *Mahābhārata* XII 140. 16). With this boldness of speculation is allied a spirit of boundless enthusiasm which makes the discussions of these authors vibrate with the animation of personal rivalry even at this distance of time. While such may be held to be the merits of the early *Arthaśāstra*, the candid critic must not ignore its blemishes and defects. In our analysis of our authors' ideas we have observed a certain want of balance and a tendency towards stiffness and formalism of thought. We may illustrate the former tendency by their one-sided estimate of the four traditional sciences and of the coercive authority of the temporal ruler, while the latter tendency finds a clear expression in their pedantic classifications and minute analysis of the concepts of government. These authors, in short, had many of the defects of youth and inexperience. Yet this was not without its compensating advantages. There had not yet appeared on the scene, so far as we can judge, a commanding personality whose voice might hush the rest into silence, and impose a common standard upon the whole science. Hence the thinkers were free to indulge their convictions or even idiosyncrasies without let or hindrance. Thus they bear in most cases the stamp of a richly diversified individuality such as is rare in the subsequent periods of our history.

What then are the services rendered by the authors of the early *Arthaśāstra* to the cause of our ancient political ideas ? We think that it marks the chief formative stage in the evolution of those ideas. To the early *Arthaśāstra* thinkers belongs the credit of separating Politics from Theology and raising it to the dignity of an independent science. With them came a rich store of new material in the shape of the categories and concepts belonging to the foundations of the science (or art) of government. They made political speculation occupy itself, for the first time so far as we are aware, with

the phenomena of abnormal States as well as those of the normal monarchic State. The criterion which they applied to their rules of public policy was, as we have seen, the interest of the king, and in exceptional cases, even that of the individual prince or minister. This led them often to sacrifice cherished principles of morality with such callous indifference as to bring the whole science into disrepute (as we shall see later) not only in the austere circles of the Buddhist and Jaina monastic orders but also in the works of Brahmanical literature like the *Rāmāyaṇa* epic and Bāṇa's prose romance, the *Kādambarī*. It is true nevertheless that their ideas and principles were destined to be developed into full maturity in the great work of Kauṭilya. Thereafter they were largely incorporated in the political thought of Manu and Yājñavalkya as well as of Bhīshma in the *Mahābhārata* so as to lead to a complete and on the whole harmonious development of the joint traditions of the Brahmanical *Smṛitis* and the technical science of polity.

SUMMARY OF THE PERIOD

The first important political principle of the pre-Maurya period extending roughly from the sixth to the fourth century B.C. is the theory of evolution of the world and of man and his institutions that was formulated by the early Buddhist canonists as an open challenge to the Vedic dogma of Divine creation of the social order. This theory involves the conception of an original State of Natûre with god-like beings living in a condition of perfect innocence and happiness and their reduction in the course of a subsequent retrograde evolution to the ordinary human stature. In this evolutionary process the institutions of property and the State are said to have been created successively by what may be called a Social Contract and a Governmental Compact, while the completion of the social organisation through the break-up of the original homogeneous community into its four or five component classes was brought about by the process of division of labour under the direction of the omnipotent law or norm (*dharma*) of those classes.

The second important political principle of this period is the conception of the law of the social order (*dharma*) which was developed by the early authorities on the Brahmanical Sacred Law out of the older Vedic ideas. This law is conceived in a concrete sense so as to comprise the duties incumbent on the units of the social system, and it is held with equal concreteness to be derived from the Sacred Canon and approved custom (or convention). As a set-off to their dogmatic belief in the authority of the canon as the primary source of *dharma*, the authors lay down a number of rational principles for its adjustment in the interest of the people. Such are the concept of duties of the castes in times of distress, that of councils of the learned as forming the authority for interpreting the law and that of enlightened opinion as the criterion of this law, and finally, the principle of invalidation of ancient authoritative practices because of their conflict with current moral standards or public sentiment and their palpable domination by worldly motives. In the parallel branch of State-law the authors,

while holding the canon to be its source, agree in giving the customs of local, social and functional groups a binding authority. Along with the above they lay down the principle that State justice involves the application of human reason to the sources and processes of the State law.

The third important political principle of this period is concerned with a complete theory of the relations between the temporal ruler and his subjects that was formulated for the first time by the early authorities on the Brahmanical Sacred Law. This theory involves on the one hand the principle of the king's authority based primarily upon the conception of the fundamental significance of the king's office and functions in relation to the individual and the community. On the other hand it involves the principle of the king's obligation towards his subjects in its threefold aspect, namely, the divine, the ethico-religious, and the quasi-contractual. Sanctions for the king's observance of this obligation are found by the authors in the law of *karma* in its literal as well as its constructive sense. The influence of this double conception of the king's authority and his obligation may be traced in our authors' clauses of the State-law, their rules of penance and ceremonial impurity, and even their general ideas of the king's status within the community. The early *Arthaśāstra* thinkers on their side hold the king's coercive authority with characteristic crudity to be the surest and the most universal instrument for ensuring public order. Simultaneously, however, they conceive it to be synonymous with the law (*dharma*), meaning probably that it helps essentially to fulfil the latter.

The fourth important group of political ideas belonging to this period is concerned with the principles and policies of government. The early Brahmanical authorities on the Sacred Law conceive the king to be the universal protector of the person and property of his subjects and set before him the threefold objective of ensuring to them freedom from fear and from want, thus anticipating the modern conception of a Welfare-State. Simultaneously, the early Buddhist canonists inculcate upon the king a course of benign rule of which the benefit should extend to the king's most distant subjects and even the dumb creation. This involves the widest application of the principle of righteousness to the king's government : what is more, the authors conceive the king's righteousness to be the key to his own security and happiness as well as those of his subjects : in the most important extract the principle of righteousness is held to be the guarantee of the moral, the material, and even the physical well-being of the subjects. In the next place the early authors of the technical science of polity introduce us for the first time to a number of categories and concepts of profound political significance. Such are the concept of a system of States grouped schematically around a Central State and the categories of six types of foreign policy, four types of political expedients, and the threefold (intellectual, moral, and material) basis of a State's strength : this last involves the application of Power-politics to inter-State relations. The further discussions of the early *Arthaśāstra* thinkers involve such important principles as that

of reference to the military and economic development of the king's territory to the detriment of that of his enemy as the test of selection of foreign policy, that of joint consideration of political and military factors in their bearing upon the policy of attack, and that of appraisement of different types of allies, lands, mines, forests and trade-routes in the scale of political and military values for the selection of different types of treaties.

The next important political principle belonging to this period is concerned with the relation of statecraft to morality, or more generally of Politics to Ethics. The early *Arthaśāstra* masters, in accordance with their avowed object of ensuring the acquisition and preservation of the State, were often led to sacrifice moral principles for political ends. One of them (Bhāradvāja) went to the length of justifying the usurpation of the throne by a minister after his master's death on the naked principle of individual self-interest. Reacting under the influence of their stern ethical code against the extreme tendencies of the early *Arthaśāstra* statecraft, the early Buddhist canonists were led to the opposite extreme of condemning Politics as a dismal science based upon a creed of absolute selfishness.

The last notable political principle of this period deals with the conception of the mutual relations of the temporal and the spiritual powers. The old Vedic doctrine of the two powers is justified in the early works on the Brahmanical Sacred Law by the principle of their co-ordinate as well as complementary functions in relation to the individual and the community. The theories of Brahmanical immunities in these works are based by their authors partly upon their application of the old Vedic doctrines and partly upon their own original conceptions. To the former group belong the theories of the Brāhmaṇa's superhuman might and the dependence of the temporal upon the spiritual power as well as the interdependence of the two powers. To the latter category belongs the conception of the Brāhmaṇa's service in offering a share of his good *karma* to the king.

CHAPTER FIVE
NOTES

[1] We may consider here some recent views about the antiquity of the *Arthaśāstra* and the identity of its schools and authors. It has been argued (K. P. Jayaswal, *Hindu Polity*, pp. 3–4; D. R. Bhandarkar, *Ancient History of India*, pp. 108–10, and *Some Aspects of Ancient Hindu Polity*, pp. 6–7) that the history of the *Arthaśāstra* goes back to *c.* 650 B.C. But the arguments in support of this view, as has been shown by the author elsewhere (*Hindu Political Theories*, 2nd ed., App. A, pp. 75–7) are extremely far-fetched, if not positively inaccurate. Even if we accept with Jayaswal and Bhandarkar *c.* 300 B.C. to be the date of Kauṭilya's *Arthaśāstra*, an interval of 350 years between him and the oldest *Arthaśāstra* author appears to us on general grounds to be highly improbable. Even the date *c.* 500 B.C. suggested by Dr A. S. Altekar (*State and Government*, . . . pp. 4–8) for the beginning of the science of polity seems on this ground to be inadmissible. Bhandarkar's view (*Some Aspects*. . . pp. 5n. and 10) that Kauṇapadanta's work is most probably represented by Bhīshma's discourse in *Mahābhārata* XII and that the works of Bṛihaspati's school as well as those of Bhāradvāja and Mahendra are identical with the dialogues quoted there, rests merely on the equivalence of names,

and ignores the great difference in form and in substance between the two sets of authorities. Dr P. V. Kane's view (*History of Dharmaśāstra*, vol. I, p. 99) that 'the Teachers' repeatedly quoted by Kauṭilya were 'the ancient authorities on the *śāstra* collectively' is belied by the strong individuality of this author who is in fact identified with Kauṭilya's teacher by his commentator Mādhavayajvan. References to the three early *Arthaśāstra* authorities Manu, Bṛihaspati and Uśanas (or Śukra) are found in the original *Pañchatantra* (ed. F. Edgerton, p. 3), the *Buddhacharita* of Aśvaghosha (I 46), the *Pratimānāṭaka* of Bhāsa (Act V) and the *Mudrārākshasa* drama of Viśākhadatta (Act I), while quotations from Bṛihaspati or Uśanas or both are found in such *Smṛiti* works as Medhātithi's commentary (on Manu VII 174 ; VIII 50), Chaṇḍeśvara's *Rājadharmakāṇḍa* (p. 108) and Viśvarūpa's commentary (on Yājñavalkya I 323 ; II 154) as well as such *Nītiśāstra* works as Śaṅkarārya's commentary on Kāmandaka (p. 112). The wide affiliations of the schools of Bṛihaspati and Uśanas are illustrated by Vātsyāyana's reference (*Kāmasūtra* I 5–8) to Bṛihaspati's preparation of his work on wealth (*artha*) out of the archetypal work of the Creator, as well as the similar reference in *Mahābhārata* XII 59, not to speak of extant works like *Bṛihaspatisūtras* and the *Śukranītisāra*.

[2] With Kauṭilya's definition of *Arthaśāstra* (XV 1), cf. Sarvānanda's explanation of the same term (commentary on *Amarakosha* I 6.5) based on his statement that *artha* means sums in cash and so forth among which land (*bhūmi*) is the chief as being the source of all the rest. Jayaswal's rendering (*Hindu Polity*, p. 4) of Kauṭilya's definition so as to make *Arthaśāstra* mean 'the Code of Common-wealth (sic)' is too cumbrous and unnecessary. For references to civil law and the art of warfare in the early *Arthaśāstra* works, *vide* Kauṭilya's quotations (III 4–7, 11, 14, 17, 19–20; X 6 etc.).

[3] *Vide* the historical instances quoted by Kauṭilya (I 6 ; ibid. 20; VIII 3; IX 7 etc.). The above quotation is from the work *A History of Political Theories, Ancient and Medieval* by W. A. Dunning, p. 293.

[4] The inferior authority of *Arthaśāstra* in comparison with *Dharmaśāstra* (including of course *rājadharma* within its scope) is clearly indicated in the later *Smṛiti* literature. Thus although *Vāyu-purāṇa* (III 6.28) adds *Arthaśāstra* along with three other sciences to Yājñavalkya's list (I 3) of fourteen sciences, this means (as Aparārka remarks in his commentary on Yājñavalkya loc. cit.) that the first group in contrast with the second comprises seats of knowledge (*vidyā*) and not the law (*dharma*). Again although Yājñavalkya and the later *Smṛitis* mention *Arthaśāstra* and *Dharmaśāstra* as joint sources of the State law, they are careful to add that in case of conflict between the two the latter overrules the former. We may further notice the significant fact that *Arthaśāstra* is characterised as a minor *Veda* (*upaveda*) in the *Charaṇavyūha*, which means that unlike the *Dharmaśāstra* it is lacking in full Vedic authority. On the other hand it must be pointed out that there is no basis for the sharp distinction drawn by a recent writer (Benoy Kumar Sarkar quoted by K. V. Rangaswami Aiyangar, *Rājadharma*, pp. 23–4, cf. ibid. p. 11) between *Arthaśāstra* and *Dharmaśāstra* on the ground that while the former is secular, the latter is religious, that while the former deals with *Real-Politik*, the latter deals with ideals and that while the former represents the municipal, the latter represents the public law.

[5] In connexion with the above definitions we may quote Dr P. V. Kane's explanation (*History of Dharmaśāstra*, vol. III, p. 47 and n.) that *lokāyata* is logic based upon premises derived from ordinary experience, although in later times it came to mean atheism or materialism. In the same context (p. 46 n.) Dr Kane notes that the reading *ānvīkshikī* is preferable to *ānvīkshakī*.

[6] Dr P. V. Kane's translation (op. cit. vol. III, p. 48) of the argument of the school of Bṛihaspati in Kauṭilya's quotation namely, that '*trayi* only acted as a screen (to obscure the intellect) of one (the king) who wants to know the ways of the world', would mean that this school regarded the sacred canon as a positive hindrance from the point of view of a man of worldly affairs. Dr Kane's further translation of the argument of the school of Uśanas in the same context, namely that 'the efforts to learn all *vidyās* are tied down to it (i.e. are ultimately intended to lead on to the mastery of *daṇḍanīti*)', helps clearly to bring out the significance of this extract.

[7] Dr D. R. Bhandarkar's contrary notion (*Some Aspects*... pp. 11 and 16) of *Arthaśāstra* as but a part of *daṇḍanīti*, which is based on a comparison between Kauṭilya's definition of the former term and enumeration of the fourfold content of the latter (I 4; XV 1)

involves a misapprehension. In mentioning the fourfold content of *daṇḍanīti*, no other than the well-known category of the four ends of worldly existence (*purushārtha*), Kauṭilya has evidently in view not the scope of the science which has been already defined by him (I 2) as comprising policy and impolicy, but its significance from the point of view of fulfilment of worldly aims of the individual king. This is made clear by the immediately following passage which declares the course of worldly affairs to depend upon *daṇḍanīti*. In view of this patent fact Bhandarkar's 'shrewd guesses' (ibid. pp. 17–20, 195–8) about the precise connotation of the third and the fourth alleged content of *daṇḍanīti* (namely, the augmentation of what has been preserved and the bestowal of the surplus upon the deserving) are altogether pointless. For the later identification of *Arthaśāstra* and *Daṇḍanīti* cf. *Mahābhārata* XII 69. 102; *Amarakosha* s.v.; Medhātithi on Manu VII 43; Vijñāneśvara on Yājñavalkya I 313 etc. It may be added that the original differences between the connotations of *arthaśāstra* on the one hand and *rājadharma* and *daṇḍanīti* on the other noticed above are overlooked by Dr A. S. Altekar (op. cit. pp. 1–4).

[8] The above translations are based on other passages in Kauṭilya's work throwing light upon the connotations of the terms in question. Cf. ibid. VI 1; ibid. VIII 1 (*svāmin* identified with the individual king or ruler), I 8; ibid. 10 (*amātya* conceived as a genus of which the *mantrī* or the minister is the most distinguished representative), II 1–4; ibid. 9; ibid. 35–6; VIII 1 (*janapada* and *durga* distinguished as the rural and the urban areas or their inhabitants), II 6 (classified list of *kośa* or the king's revenue), IX 2 (classification of *daṇḍa* or the king's troops). Other and in general less accurate interpretations of the above terms are given below:—(1) *svāmī* = 'Sovereign One or Sovereign Number' (Bhandarkar, *Some Aspects . . .*, pp. 66–7, (2) *amātya* = 'minister' (Beni Prasad, *Theory of Government in Ancient India*, p. 147; K. V. Rangaswami Aiyangar, *Rājadharma-kāṇḍa*, Introduction, p. 45, Radha Kumud Mookerji, *Chandragupta Maurya and his Times*, 2nd ed., p. 73), 'ministry' (A. S. Altekar, op. cit. p. 39), (3) *janapada* or *rāshṭra* = 'territory' and 'population' (Bhandarkar, op. cit. pp. 68–9, 77–8; Kane, *History of Dharmaśāstra*, vol. III p. 17), 'territory' (Beni Prasad, Altekar and Mookerji, loc. cit., Kane, op. cit. Ch. IV), (4) *durga* = 'fort' (Beni Prasad, Bhandarkar and Altekar, loc. cit., Kane, op. cit. Ch. VI); 'fortifications' (Mookerji, loc. cit.), (5) *kośa* = 'treasury' (Beni Prasad, Bhandarkar and Altekar, loc. cit., Kane, op. cit. Ch. VII), 'resources' (Altekar, loc. cit.); (6) *bala* = 'army' (Beni Prasad, Bhandarkar and Altekar, loc. cit., Kane, op. cit. Ch. VIII), 'military forces' (Altekar, loc. cit.), (7) *mitra* = 'ally' (Beni Prasad, Bhandarkar and Altekar, loc. cit., Kane, op. cit. Ch. IX). It may be added that the distinction between the minister (*dhīsachiva*, otherwise called *mantrī*) and the executive official (*karmasachiva*), though they are both called by the same generic title (*sachiva*), is still preserved in Amara's lexicon s.v., but was ignored (as in Sarvānanda's commentary on the above) in later times.

[9] Kane, *History of Dharmaśāstra*, vol. III, p. 19.

[10] For a full discussion of the above, *vide* the author's paper entitled *The system of inter-State relations and of foreign policy in the early Arthaśāstra State* (*India Antiqua*, Leyden 1947). For a fuller set of definitions of the six *guṇas*, *vide* Kāmandaka (XIV 1, ibid. 23; XV 1; XVI 12, ibid. 27).

[11] The three constituents of the strength of States are defined by Kauṭilya (VI 2). See also Kshīrasvāmin's commentary on Amara's lexicon, II 8.19.

PART FOUR

THE ANCIENT PERIOD

(C) THE PERIOD OF THE MAURYA EMPIRE AND ITS SUCCESSION-STATES

(*c.* 325 B.C.—320 A.D.)

CHAPTER VI

THE TECHNICAL WORKS ON POLITY— II THE *ARTHAŚĀSTRA* OF KAUṬILYA

PLAN AND PURPOSE OF KAUṬILYA'S WORK

In the previous chapter we have endeavoured to describe the political ideas of the early *Arthaśāstra* schools and teachers who are known to us only from the surviving fragments of their works quoted or referred to in the later literature. The *Arthaśāstra* of Kauṭilya, which by contrast is the only complete work of this class that has come down to us, is distinguished from the rest by its plan and purpose. In his very opening lines the author seems to strike his distinctive note, for he claims to have prepared his single *Arthaśāstra* work after summarising most of the works on *Arthaśāstra* that had been prepared by the early masters on the subject of acquisition and preservation of dominion. The work of Kauṭilya thus announces itself as an abstract of the whole foregoing literature on the subject. With this agrees the remarkable verdict of Kāmandaka (*Nītisāra* I 6) eulogizing Vishṇugupta (Kauṭilya) as one who extracted the nectar of *Nītisāra* ('essence of general morals') from the ocean of *Arthaśāstra*; but at the best this describes only one aspect of the author's performance. The more important aspect is hinted at by Kauṭilya in the concluding verse of his work: here we are told that this scientific work (*śāstra*) has been composed by one who angrily and quickly rescued the science itself as well as the art of warfare and the dominion belonging to the Nanda king. This last reference has often been quoted in support of the orthodox tradition which attributes the authorship of the work to the well-known chief minister of Chandragupta, the founder of the imperial Maurya dynasty, in succession to the dynasty of the Nandas. In so far as the reference to the author's treatment of the science is concerned, we may probably explain it in some such manner as the following. In Kauṭilya's time the literature of *Arthaśāstra* had grown into a tangled maze of divergent ideas. This condition of the science provoked the indignation of Kauṭilya, an intensely practical thinker if ever there was one, and he undertook at once to sweep away the doubts and difficulties that clogged its progress. The above interpretation seems to be borne out by the internal evidence. For we find that the author, whenever he has occasion to consider the views of his predecessors, leaves upon them the stamp of his superior political insight and practical wisdom. It therefore follows that Kauṭilya's *Arthaśāstra* is much more than a summary of the earlier works of its class. It involves on the contrary in the form of a closer analysis and a sounder judgement on the points at issue a virtual reconstruction of the science. Not without reason did later writers acclaim Kauṭilya

as the founder of a new science, or at least include him in a list of makers of the kingly science.[1]

ESTIMATE OF THE TRADITIONAL SCIENCES

Kauṭilya opens his work with a remarkable rehabilitation of the traditional list of sciences (*vidyās*). We have observed in the preceding chapter how three *Arthaśāstra* schools, namely, those of Manu, Bṛihaspati, and Uśanas, in their zeal for the simplification of the list, reduced the number of the sciences from the original four to three, two and one respectively. Kauṭilya's criticism of these views (I 2) betrays one striking characteristic of his genius, namely, his sense of balance and harmony. For not only does he emphatically declare the number of the sciences to be four, but he justifies his statement by reference to the function of each in relation to man and his interests. Philosophy (*ānvīkshikī*), he argues, benefits men by providing reasoned judgement upon the potency (or otherwise) of the other sciences; it steadies the mind in weal and woe and it fosters proficiency in speech and in action; it is, as it were, the lamp of all the sciences, the means of fulfilment of all deeds and the support of all duties. The Sacred Canon (*trayī*), we are next told (I 3), is beneficial, since it establishes the four castes and the four orders in their respective duties (*dharma*) : by observing his distinctive duties, one attains heaven and salvation, while by its violation men become liable to the intermixture (of castes and duties) and consequently suffer destruction. In the next place we read (I 4) that (the study of) Economics (*vārttā*) is beneficial because it yields agricultural crops, domestic animals, the king's share of crops in cash (*hiraṇya*), the baser metals, the forest-products and compulsory labour, while it enables the king to acquire the revenue and the army and thus bring his own and his enemy's partisans under control.[2] Punishment (*daṇḍa*), which is the basic principle of Politics (*daṇḍanīti*) the author finally says (loc. cit.), is the means of acquiring and preserving the three other sciences.[3] To this the author adds that *daṇḍanīti* makes possible the acquisition of what has not been gained, the preservation of what has been acquired, the increase of what has been preserved, and the bestowal of the surplus upon the deserving, and that the course of worldly affairs in short depends upon it.

In the above extract it will be noticed, Philosophy, instead of being merged (as in the school of Manu) in the triple *Veda*, is lifted to the position of the foremost 'science' on the ground that it contains the key to the proper understanding of the sciences, while facilitating the development of intellect and character. The triple *Veda*, instead of being looked upon (as by the school of Bṛihaspati) as a superfluity from the standpoint of worldly existence, is held forth as the authority for the vital law of the social order on which depends the fulfilment of the complete life (and even the bare existence) of men. Economics, instead of being ruled out from the list of sciences (as was done by the school of Uśanas), is discovered to be the means of providing for man's subsistence besides supplying the sinews of the

State's strength, (namely, the revenue and the army). On the other hand Politics, instead of being magnified (as by the last-named school) as the only science, is conceived by virtue of its vital principle of punishment to be the security for fulfilment of man's complex interests represented by the other sciences as well as the means of complete fulfilment of his worldly ends.

AUTHORITY AND SOURCES OF THE LAW OF THE SOCIAL ORDER—CONCEPTION OF STATE LAW AND JUSTICE

Kauṭilya's discussion of the function of the triple *Veda* quoted above helps us to understand his view of the law (*dharma*) of the social order. The author (I 3) in the first place justifies the inclusion of the triple *Veda* in the list of sciences by saying (as stated above) that it establishes the four castes and the four orders in their respective duties: this is followed by a recapitulation of the *Smṛiti* list of duties of those groups. (The fulfilment of) one's distinctive duty, the author continues, leads to heaven and salvation, but in the event of its violation the world would perish through the intermixture of castes and duties: the king by enforcing the observance of the distinctive duties of creatures enjoys happiness in this world and in the next, while the people being protected by the triple *Veda* and made to follow the usages of their respective groups attain happiness and not misery. The code of royal duties (*rājadharma*), we are told elsewhere (III 1), maintains the usages of the four castes and the four orders, and therefore it is the means of keeping alive all (other) duties which have a natural tendency towards decay. When the king, we read in a third extract (III 7), disregards his duty, there arise mixed castes in the disapproved order. The above extracts repeat the fundamental *Smṛiti* ideas about the authority and sources of the law of the social order. The source of this law, we are first told, is the Sacred Canon. The law, again, is the means of promoting individual security and happiness as well as the stability of the social order. Lastly, the sanction for enforcement of the law is twofold, being based upon the application of the law of *karma* to the ruler and the ruled as well as the arm of political authority.

It is in the branch of State law that Kauṭilya's ideas mark a great advance upon those of his predecessors. In his chapter (III 1) introducing his section on law and legal procedure, the author refers prominently to four sources of the State law. These are the Sacred Canon (*dharma* or more fully *Dharmaśāstra*), the current (*Arthaśāstra* ?) law (*vyavahāra* or more fully *vyavahārika śāstra*), usage (*saṁsthā*) and reasoning (*nyāya*). Explaining the rule of interpretation in the event of conflict of these laws, the author seems to state that the king should decide a law-suit in accordance with the canon when the current law is in conflict with the canonical works or with usage. Again he appears to observe that in the event of conflict between the canon and reasoning founded upon the law, reasoning will be the authority, the strict letter of the canonical text in this case being regarded as dead. Comparing

the above account with that of the *Dharmasūtras* quoted in a previous chapter (III) we can perhaps trace a twofold development in the author's thought. This consists, firstly, in the addition of the *Arthaśāstra*(?) to the sources of the State law and in the clear recognition of reasoning as one of these sources. In the second place, the author lays down a double rule of interpretation in the event of conflict of laws. He seems to mean, firstly, that the canon prevails when this is in conflict with *Arthaśāstra*, or else when usage is in conflict with the latter, and secondly, that reasoning based upon the law prevails when this is in conflict with the canon. What application was made of this double rule in *Yājñavalkya Smṛiti* and later works will be shown in later chapters.

In so far as the authority of usage is concerned, Kauṭilya's views agree with those of the *Dharmasūtras*. The king, he says at the end of his chapter on partition and inheritance (III 7), shall settle the law on this subject in accordance with the traditional usages (*dharmas*) of regions, castes, industrial and other organisations (*sañghas*) and villages. It is characteristic of the advanced technique of the author that he directs (II 7) the appropriate State-officers to record the usages (*dharmas*) of regions, villages, castes, families, and organisations in comprehensive registers. Some further reference to the authority of usage is made in the author's statement of policy in connexion with the pacification of a newly acquired kingdom. The king, he says (XIII 5), should abrogate such customs as are harmful to his own interest or are contrary to righteousness, and establish instead the righteous customs : the king should adopt the righteous customs whether old or new and not their reverse, and he should abrogate unrighteous customs that had been started by others. The above involves the application of the old *Smṛiti* rule relating to the authority of good custom in the sense that the king is authorised to supersede evil customs by good ones. By an extension of the above principle the king is permitted to supersede customs opposed to his own interest.

Along with the above conception of the fourfold source of State law we find in Kauṭilya's thought the emergence of a new conception, namely, that of the king's quasi-legislative authority. In a separate chapter (II 10) of his section entitled 'The working of the administrative departments' Kauṭilya classifies the king's writs (*śāsana*) under eight heads with appropriate titles : these varieties are concerned with directions to the king's officers to restore the treasure and so forth unlawfully retained by them, with the bestowal of rewards or punishments upon the king's servants and others, with the gift of honour to someone, with the grant of remissions, with the attestation of the act of a subordinate, with communications, with replies and lastly, with offering universal safe-conduct to travellers. In his chapter (XIII 5) relating to the pacification of a newly acquired kingdom the king, as we have just stated, is required to maintain the good customs and abrogate the bad ones. Mention may also be made of the elaborate regulations evidently issued under the king's authority for the guidance of the administrative heads

(*adhyakshas*) (Book II), as well as the panels of magistrates (*pradeshṭṛis*) in charge of the administrative courts (Book IV). It follows from the above that the king's executive edict is invested in Kauṭilya's thought with the force of law. On the other hand the author developing an early *Smṛiti* principle makes the king (as we shall see presently) liable to clauses of the civil and the criminal law for the fulfilment of his political obligations. This involves the application of the rule of law to the sphere of the king's internal administration. Kauṭilya, again, following the early *Smṛiti* precedent, conceives the king to be subject to the law (*dharma*) of his order. How this double conception of limitation of the king's quasi-legislative authority was developed in the later *Smṛitis* will be shown in the following chapter. It remains to recall the significant fact that Kauṭilya in his formal enumeration of the sources of the State law is silent about the edict of the temporal ruler.

As regards the modes of decision of law-suits at the king's (or the State) court, Kauṭilya in the context (III 1) from which we have quoted above tells us in the language of legal convention that the subject-matter of a suit (*vivādārtha*) has four feet, namely, *dharma*, *vyavahāra*, *charitra*, and *rājaśāsana*. *Dharma*, *vyavahāra* and *charitra*, the author explains in the accompanying verse, depend respectively upon solemn affirmation (by one or other of the parties), (the evidence of) witnesses and the usages (bearing upon the subject-matter of the suit), while *rājaśāsana* is identical with the king's decree (*ājñā*). Stating the rule of interpretation in case of conflict between these four processes, the author observes that each item in the foregoing list overrules those mentioned before. In the history of our juristic and political ideas this reference to the overriding authority of the king's decree over all other judicial processes is of high significance, for it clearly and unequivocally enumerates for the first time the principle of the king's judicial sovereignty.[4]

AUTHORITY AND OBLIGATION OF THE TEMPORAL RULER

As regards Kauṭilya's view of the mutual relations of the temporal ruler and his subjects, we may conveniently begin by noticing two extracts which have been held, though without reason, to bear upon this subject. The first extract occurs in a chapter (I 13) entitled '(The king's method of) securing to his side the loyal as well as disloyal groups within his own kingdom'. Introducing this description the author says that spies should collusively divide themselves into two parties and raise disputes in various public places : the king, one spy shall say, is alleged to be perfect but is actually devoid of all qualities, and in fact he oppresses his subjects with fines and taxes. How this spy as well as men of his opinion are to be contradicted by another spy is told in the following lines. When the people were overpowered by anarchy (*mātsyanyāya*), they accepted Manu, son of the Sun, as their king : they fixed as his due one-sixth of the crops (in kind), one-tenth of the merchandise and (a share of other crops) in cash (*hiraṇya*) : kings subsisting by these shares confer security and welfare on their subjects : 'the punishment

and fines inflicted by the king relieve the subjects of their sins and lead to their security' : forest-dwelling ascetics even present to the king one-sixth of their gleanings on the ground of its being the due of one who protects them. 'Kings', the author continues, 'are visible dispensers of favours and disfavours, and as such they are in the position of the gods Indra and Yama respectively : he who despises them is visited with divine punishment.' 'Thus', concludes Kauṭilya, 'the lowly folk should be silenced.'[5]

The above extract is admittedly a specimen of the official propaganda to be directed according to the author for ensuring the loyalty of the masses to their ruler. How far indeed it is from forming in Kauṭilya's thought a philosophical theory of kingship is proved by his significant reference to 'the lowly folk' whom it is sought to impress. In short it is in the author's opinion a bit of commonplace platitude to lull the discontent of the masses (who are proverbially influenced by slogans) against their ruler. Nevertheless we may analyse the above extract, such as it is, to indicate the divergent and even contradictory strands in its composition. The extract starts with a State of Nature indicated by a single telling phrase ('the maxim of the larger fishes devouring the smaller', or as we may call it, 'the law of the jungle') which imports a new technical term (*mātsyanyāya*) into the vocabulary of our ancient political literature. To end this evil State of Nature the people, we are told, made an agreement with a Patriarch (Manu, son of the Sun) who is regarded in Brahmanical mythology or pseudo-history as progenitor of the present lines of kings. In the parallel story (XII 67) of the *Mahābhārata*, which will be quoted on p. 194, Manu is ordained by God the Creator as the ruler of the people for ending the antecedent evil State of Nature, and the people subsequently make their own agreement with him. It is permissible to think that in Kauṭilya's story likewise the people's agreement with Manu was preceded by his Divine creation. Whatever that may be, the agreement of the people in Kauṭilya's extract charges the people with payment of their customary dues to the ruler evidently for inducing him to end the condition of anarchy. In the parallel story of the *Mahābhārata* quoted above the people not only charge themselves for payment of their dues, but they also guarantee to the king a disproportionate share of their merits, and absolve him from any share of their sins. This is done to induce the king to undertake his duty of protection which had already been imposed upon him by divine ordination. The above involves (less explicitly in Kauṭilya than in the *Mahābhārata* extract) the theory of the creation of kingship by a governmental compact of a unilateral character supplementing its Divine creation. From his theory of the origin of kingship Kauṭilya draws the corollary—so relevant to his immediate and limited objective—that the king's taxes and punishments are necessary in the people's own interests as they provide him with the means of ensuring the security and prosperity of his subjects. Kauṭilya further lays down the theory of the king's equivalence to the two most famous guardian deities of the world by parity of functions, and he derives therefrom the corollary

of the subjects' religious obligation to honour their ruler. With this may be compared the parallel passages (XII 73.19-26) in the *Mahābhārata* where the author, climaxing his view of the paramount importance of the king's office and functions, connects the ruler with the same guardian deities.

The second extract which we have to consider in the present place occurs in a later chapter (X 3) under the sub-heading 'methods of encouraging troops in the battle-field'. The king after assembling his troops, we are here told, should address them in the following way : 'I am your equal as a wage-earner (*tulyavetana*) : this kingdom (*idaṁ rājyam*) is to be enjoyed (*bhogyam*) by me along with you : you shall slay the enemy pointed out by me'. In the above it will be observed that the king's speech ends with a practical direction to the troops to strike down his enemy. In the same context the minister and the domestic chaplain of the king are asked by Kauṭilya to remind the troops of the high rewards of heroes promised in the Vedic texts and the sayings of the early teachers, while sooth-sayers and fortune-tellers are required to proclaim the king's omniscience as well as his direct contact with the gods, and the bards and minstrels to proclaim the rewards of heroes and the penalties of cowards. Finally, we are told with almost brutal frankness how the general is to announce to the troopers cash payments on a graduated scale for slaying the enemy's men and transport animals, and to promise them double pay and other allowances. It follows from the above that the king's speech is meant by Kauṭilya in the above extract to be part and parcel of an all-out effort under the king's direction to stir his troops to victory. It is obvious that such a speech has no reference to a philosophical theory of the king's relations with his subjects. This general interpretation is supported by the internal evidence of the text. The phrase 'this kingdom' is proved by the accompanying words ' to be enjoyed' to refer to the enemy's territory, and not to the king's own kingdom. The somewhat enigmatical phrase 'I am your equal as a wage-earner' should therefore be taken to refer to the share of both in the forthcoming victory. With this explanation agree the concluding words of the general quoted above promising the spoils of victory to the troops.

It would appear from the above discussion that a truly philosophical theory of the king's relation to his subjects is wanting in Kauṭilya's work.[6] Let us consider instead Kauṭilya's application of the old *Smṛiti* principle of the authority and obligation of the temporal ruler to the branch of State Law. In a separate section (Book IV) of his work entitled 'The extirpation of thorns', the author (ibid 8; 9; 11) gives us numerous clauses of what may be called the law of treason. This applies to offences against the king's person and property as well as his authority. For the offences of concealing the king's revenue, we are told, various kinds of torture are to be employed severally or successively : theft of valuable products or jewels from the State factories or mines by the officers concerned, is to be punished with death : a graduated scale of penalties ending with death according to the status of the criminal is to be awarded for counterfeiting the king's edict

or seal : the penalty of mutilation (or in the alternative, a heavy fine) is to be inflicted for prophesying the king's misfortune, for tampering with the royal edict and even for riding the king's mount or conveyance : death with torture is prescribed for designing to seize the throne, for violating the sanctity of the king's *zenana*, for instigating the foresters and the king's enemies and for causing disaffection in the rural and urban areas as well as among the king's troops : the penalty of impalement is laid down for injuring or stealing the king's elephants, horses and chariots, while mutilation is rescribed for reviling the king. The special laws in favour of the king's personal property as well as authority quoted above are accompanied (III 1 and IV 1) by a distinctive procedure for the trial of the offences concerned. While law-suits, we are told, are to be tried by panels of three judges (*dharmasthas*), the work relating to the 'Extirpation of thorns' (*kaṇṭakaśodhana*)† is to be done by panels of three police-magistrates (*pradeshṭṛis*). The king, we are further told (II 6 and 15 ; III 5 and 16), is entitled as a rule to lost and ownerless property, as well as treasure-trove and the property of persons dying without heirs.

As regards the principle of the king's obligation, the author (III 16) repeating a clause of the old *Smṛiti* law asks the king to restore stolen property to its owner, or else compensate him out of his own treasury. To the above Kauṭilya adds (IV 13) a new penal clause which was to be repeated by Manu and Yājñavalkya in their rules of State law. Should the king punish an innocent man, the author tells us, he must multiply the fine thirty-fold and offer it to God Varuṇa and then make it over to the Brāhmaṇas : this is supported by a convenient argument drawn from Vedic mythology to the effect that Varuṇa is the punisher of wrongdoers. Again, an exception to the law allowing the king to seize the property of persons dying without heirs is made in the case of learned Brāhmaṇas whose property is to be distributed in the above case among their own class. The above clauses, by making the king liable for protection of property, by restricting his property-rights, and by enhancing his fine, repeat the early *Smṛiti* principle of the rule of law in the branch of the king's internal administration.

We have seen how the early *Arthaśāstra* authors conceived the coercive authority (*daṇḍa*) of the temporal ruler in general terms so as to make it, subject to the law, the grand instrument of public security and as such the foremost political principle. In Kauṭilya we notice a development of the theory of *daṇḍa* in three principal directions. In the first place he amplifies the older view of the function of *daṇḍa* in the general make-up. *Daṇḍa*, he says (I 4 and 5), is the means of ensuring security and prosperity of the three sciences, namely, the Sacred Canon (*trayī*), Philosophy (*ānvīkshikī*), and Economics (*vārttā*) : in fact *daṇḍa* is their root : the course of worldly affairs (*lokayātrā*) depends upon *daṇḍa*, and therefore he who seeks this course should constantly be ready to apply *daṇḍa*. In other words, the application of *daṇḍa* is

† See p. 133.

justified on the ground that it is the safeguard of man's worldly existence, while it ensures the fulfilment of his complex interests as represented by the three other traditional sciences besides Politics. In the second place Kauṭilya applies his deeper political insight to lay down a new technique relating to *daṇḍa*. The king who is severe in the application of *daṇḍa*, we are told, afflicts all creatures, and one who is mild in its application is overpowered by them, while one who justly inflicts it is respected by them. This means that respect for authority is ensured by the just application of *daṇḍa* in contrast with its severe and its mild application which leads respectively to the overthrow and disregard of the same. Thirdly and lastly, Kauṭilya gives us a complete explanation of the function of *daṇḍa* by posing three alternatives. When *daṇḍa* is applied with sound knowledge of the canon, it confers the three-fold end of life upon the people : when it is applied improperly under the influence of desire or anger or without knowledge (of the canon), it afflicts even the forest-dwelling ascetics, not to speak of the householders : when it is not applied at all, it leads to the condition indicated by the maxim of the larger fishes devouring the smaller (*mātsya-nyāya*). The above extract means that while the lawful application of *daṇḍa* ensures the complete happiness of the individual, its unlawful or vicious application causes universal disaffection, and its non-application produces anarchy symbolised by the law of the jungle. This implies the application of the old *Smṛiti* idea of the rule of law in the sphere of the king's internal administration as well as of the early *Arthaśāstra* view of the basis of *daṇḍa* in the evil tendencies of human nature.

CONCEPTION OF STATE-STRUCTURE AND THEORIES OF GOVERNMENT

We have seen in a previous chapter how the early *Arthaśāstra* masters conceived the structure of the State to consist of seven units, namely, the sovereign ruler, the officials, the rural and the urban areas, the revenue, the army and the foreign ally, and how they further discussed the relative merits of these units in the context of a comparative estimate of their calamities. Kauṭilya develops these ideas in several respects. In the first place he mentions (VI 1 ; VIII 2) besides the traditional list of the seven constituent elements of the State, a shorter list comprising the king and the kingdom (*rājya*).[7] This involves the twofold conception of the State-structure comprising a larger list of seven and a smaller list of two units. Secondly, Kauṭilya (VIII 1), supporting the Teacher against his critics, arranges the calamities of the State constituents in a descending order of importance so as to make the king's calamity take the topmost place. Elsewhere (VI 1) the author, after enumerating successively the good qualities of the seven State constituents, observes that when they behave limb-like, they become an asset of the king : while the king with the qualities of self-mastery can improve even the defective constituents, one wanting in this quality destroys even those that are wholesome and well-disposed. These extracts involve a

double conception of the mutual relations of the constituents of a State. This is based upon the principle of differentiation and integration of the units and that of their gradation in an order of descending merit with the king dominating all the rest.

Kauṭilya's views on the theory of government develop the ideas of the early *Arthaśāstra* on several points. We may examine these views under three heads, namely, the king, the officials, and the mechanism of the administration.

1. THE KING. In the extracts (VI 1 and VIII 1) quoted above Kautilya not only conceives the king's calamity to be the most serious of the calamities of the State-constituents, but he emphatically states that the king makes or mars the other constituents according as he is properly qualified or not. Justifying in this connexion his own view against the contrary opinion of Bhāradvāja (who places the calamity of the officials above that of the king), the author explains the supreme importance of the king's function. The king alone, he argues, selects the whole body of assistants; he directs the heads of the administrative departments; he remedies the calamities of the human and the material elements of the State and strengthens them; he replaces bad officers with good ones; he is constantly employed in honouring the deserving and punishing the wicked; he endows his ministers and other subjects with his own prosperity; when he is prosperous, the ministers and others being dependant upon him for their success and failure follow his behaviour, for the king stands at their apex. The king, in other words, is the master-key to the working of the whole administrative machine, appointing, guarding, correcting, strengthening and shaping its different factors.

A remarkable feature of Kauṭilya's ideas of kingship consists in his reaction against the anti-monarchic and the anti-dynastic tendencies characteristic of the older masters. This is illustrated by the author's discussion (VIII 2) of a series of problems raised by the Teacher about the relative evils of pairs of kings in distress. Kauṭilya holds against the opinion of his predecessor that a new king is worse than a diseased king, that a strong but low-born king is worse than a weak but high-born one, and that the rule of a conqueror is worse than the dual rule of father and son or else of two brothers. The diseased king, he argues, follows the established ways of kings, but the new king acts without restraint in the belief that he has himself acquired the kingdom: again, it is argued that it is the nature of prosperity to attend high birth, and hence the subjects (*prakṛitis*) willingly wait upon the weak but high-born king, but the *prakṛitis* tend to waver in their allegiance to a king who is strong but low-born: finally, it is explained that dual rule is productive of equal security and welfare of the subjects, and therefore it tends to come under the control of the officials. It follows from the above that in contrast with a new ruler a king of the existing dynasty, however physically weak he might be, remains faithful to the traditional conception of royalty. Again the high-born but weak ruler, unlike the low-born though strong ruler, is supported by the natural respect due to high

birth, while unlike the rule of a conqueror that of two kings in the established line is justified by its tendency to promote the subjects' welfare and to work under a sense of responsibility to the ministers. These arguments evidently involve a strong plea for the dynastic principle as well as the principle of high birth in relation to kingship.

Another aspect of Kauṭilya's theories of kingship is indicated by his comprehensive scheme of education of the princes. The prince, we read (I 5), after the performance of his tonsure ceremony shall apply himself to learn writing and arithmetic : after his investiture with the sacred thread he shall learn the Sacred Canon (*trayī*) and Philosophy (*ānvīkshikī*) from cultured persons, Economics (*vārttā*) from the heads of the administrative departments, and Politics (*daṇḍanīti*) from those versed in its theory and practice. The education is to be continued after the sixteenth year when the prince has undergone the ceremonies of shaving of the head and marriage : he shall devote the first part of the day to learning the military science and the second part to hearing lessons on a large number of sciences grouped together under the heading of traditional history (*itihāsa*). Along with and partly through this intellectual training the prince shall learn discipline (*vinaya*). Dividing discipline into two kinds, namely, the natural and the acquired, the author explains how the prince should acquire the latter. He shall learn it at first from his teachers : afterwards he shall constantly associate with those of mature learning, for discipline depends upon such association : the prince shall complete the discipline thus derived from the study of sciences through the control of his sense-organs which involves the suppression of 'the six vices' aptly called 'the six enemies'. To acquire this self-control the prince shall first practise non-attachment towards the impressions of his sense-organs and afterwards observe the precepts of the sciences. He who acts contrary to the sciences and fails to keep his sense-organs under control, concludes the author with a solemn warning, perishes instantly even if he were to be the ruler of the earth up to the bounds of the four oceans. In another extract (VIII 3) the author observes that the lack of discipline derived from the study of sciences plunges one into calamities (*vyasana*) which in the king's case are comprised in the twofold group (of vices) arising from anger and from desire, the latter group being more destructive than the former.

The influence of the above ideas of the prince's training is reflected in Kautilya's practical rules of statecraft. The royal family in which the princes are left undisciplined, he says in one place (I 17), while criticising an older view asking princes to be tempted to sensual indulgence in the interest of the king's security, breaks up at the mere attack of the enemy like moth-eaten wood at a slight touch : the prince therefore, on reaching the proper age shall be trained by teachers : never shall the king select an undisciplined prince, though an only son, as the Crown-Prince. In another extract (V 6) the author, after stating how the minister in the crisis following a king's death should by a mixture of diplomacy and force provide for the succession

of a prince of the blood to the throne, says that the minister shall instruct the new king in *Arthaśāstra* by way of traditional history.

In the above extracts the author, in the first place, lays down for the prince a complete course of education extending from the primary to the advanced stage and linked up with the successive sacraments enjoined upon the prince by the canon. The curriculum of the prince's advanced studies is sufficiently comprehensive to comprise not only the four traditional sciences, but also the military science as well as other 'sciences' grouped together under the heading of traditional history. In the second place, the author enjoins upon the king a strict moral discipline by a solemn warning against the consequences of its neglect. The means of acquiring discipline consists in the study of 'sciences' and the observance of their precepts as well as control of the senses. We may sum up by saying that Kauṭilya formulates for the first time an integrated scheme of education, based upon his appreciation of the danger of its neglect alike to the king and his dynasty, for the simultaneous development of the prince's intellect and character.

Not only does Kauṭilya give us our first known complete scheme of the prince's education, but he also presents us with our first classified list of the king's qualifications. Introducing his analysis of the good qualities of seven constituents of the State, the author (VI 1) classifies the king's qualities under four heads : these are the qualities of an inviting nature, those of the intellect, those of the will, and the king's distinctive qualities. It is unnecessary for us to go into the details of this pedantic classification. Suffice it to say, it illustrates the author's sense of the comprehensive qualifications needed for the king's office : these comprise the qualities of intellect and character, of birth and training as well as of sound principles and policies of government.

2. THE OFFICIALS (*AMĀTYAS*). Kauṭilya's theory of the office and functions of the *amātyas* corrects and completes the old *Arthaśāstra* ideas on the subject. Government (*rājatva*), he says at the conclusion of one of his chapters (I 7), is possible with the help of assistants ; a single wheel does not move : the king (therefore) should appoint ministers (*sachivas*) and abide by their advice. The king's acts, it is explained in a later passage (I 9), have to be performed simultaneously, they are numerous and they are scattered in different places, and therefore the king has to get his acts done by the *amātya* lest there be a lapse regarding time and place. In other words the *amātya's* office is justified by the impossibility of one-man rule and by the number as well as the wide distribution in space and time of the governmental functions. In the second place, Kauṭilya, while criticising the view which ranks the calamity of the *amātyas* above that of the rural area (*janapada*) explains the high importance of the *amātyas'* functions. All (administrative) acts relating to the *janapada*, he argues, depend upon the *amātya* : such are the acts of ensuring its security and welfare against its internal and external enemies, remedying its calamities, colonization and improvement of its waste lands, and benefiting it through the collection of

taxes and fines. This means that the *amātya* is the motive force behind the security and development of the heart of the kingdom, namely, its rural area.

Kauṭilya's views (1 8–9) regarding the old *Arthaśāstra* problem of the recruitment and selection of the officials tend to supplement and correct the ideas of his predecessors on material points. Quoting in the first place with general approval the divergent views of the early *Arthaśāstra* authors about the recruitment of *amātyas*, he adds the remark that a person's capacity is tested by his fitness for performing a work, and therefore the king should appoint persons to the post of *amātyas* after considering their qualifications as variously stated as well as the conditions of time and place and the nature of the work. Further the author, after enumerating the qualifications of the *amātyas*, asks the king to discover them by the processes of direct and indirect observation as well as inference in accordance with the varied nature of governmental work : since this type of work has to be done at the same time and at different places and is of different nature, the king has to get his work done by the *amātyas* lest the requirements of time and place might suffer. The *amātyas*, in other words, should possess besides the abstract virtues of courage, loyalty and so forth enumerated by the older thinkers, the technical qualifications for this office. These qualifications, again, must be tested in view of the complex nature of governmental work by a combined process of observation (both direct and indirect) and inference.

As regards the selection of the *amātyas* for special posts, the author (1 10) after describing the four-fold test (that of Virtue, Wealth, Desire, and Fear) laid down by his predecessors, modifies their scheme in one vital respect. The king, he says, must on no account make himself or his queen the object in the matter of testing the *amātyas*, but he shall select third persons for this purpose. The king, he argues, should not corrupt an innocent mind which act would be like putting poison in water, for when an innocent mind is corrupted somehow, it passes beyond cure : when a good man's mind is corrupted by the four tests, it does not turn back without reaching the furthest limit (of evil). This extract, which does credit to the author's knowledge of human psychology, conveys a much-needed warning to the king against the danger involved in the traditional scheme. This is based upon the author's conviction of the tendency of temptation to corrupt innocent minds.

As regards the old *Arthaśāstra* problem of the technique of the king's consultation with his ministers. Kauṭilya (1 15) begins by explaining the fundamental importance of counsel in the administrative set-up. Counsel, he says, is the preliminary of all (administrative) acts. After giving in detail the measures necessary for ensuring the secrecy of the king's counsel, the author next quotes the discussion of the older thinkers on the subject of the king's secret consultations. The king, Kauṭilya finally thinks, should consult three or four ministers : should he consult one minister, he would fail to arrive at a decision in difficult situations, while the single minister being without restraint would act at his own will : if he were to consult two

ministers, they would overpower him when they are united and destroy him when they are in conflict : should he consult more than three or four ministers, he could reach a decision and ensure secrecy with great difficulty. The above is evidently a plea for a small number of ministers in view of the political danger of a smaller or a larger ministry. With his usual elasticity of outlook Kauṭilya, however, allows the king to consult one or two ministers or even deliberate by himself, should the conditions of place and time and the nature of the work demand the same. The same attitude is illustrated in Kauṭilya's discussion (loc. cit.) of another *Arthaśāstra* problem, namely, that of the constitution of the larger council of ministers (*mantriparishat*) : for the author, after quoting the views of the schools of Manu, Bṛihaspati and Uśanas, fixing its number at twelve, sixteen and twenty respectively, sagely observes that the number should be as many as is necessary. Closely analysing the contents of counsel so as to indicate its wide range, he further observes that counsel has five constituent elements. These comprise devising the means of starting a work, procuring the necessary human and material agents (for its performance), distributing the time and place (for its execution), removing the obstacles and achieving the result.

3. MECHANISM OF THE ADMINISTRATION. As regards the organisation of the central administration Kauṭilya in one place (VIII 2) classifies disaffection against the king under two heads, namely, internal and external, of which the former being of the nature of danger from snakes is more serious than the latter : internal disaffection, again, is of two kinds, namely, that of the *amātyas* near the king's person and that of the other *amātyas*, the former being more dangerous than the latter : the king, therefore, should keep the branches of the revenue and the army under his own control. As for the organisation of the subordinate civil service Kauṭilya (II 9), after requiring the departmental heads (*adhyakshas*) with the qualifications of *amātyas* to be selected for posts according to their respective capacities, observes that when in office they should be constantly supervised. This is justified by the argument that men are naturally fickle-minded, and again that men on being appointed to official posts go astray, and therefore they are said to partake of the nature of horses. The author, moreover, in the king's interest warns the officers against entering into combination or conflict : should they combine together, he argues, they would devour the king's substance and in case they are in conflict they would destroy the same. Lastly, as regards the branch of military administration Kauṭilya (II 4) asks the king to place the four wings of the army (namely, elephants, cavalry, chariots and infantry) under many officers (*mukhyas*) : where there are many *mukhyas*, they do not fall a prey to the enemy's intrigues through fear of one another.

The above extracts dealing with the departments of the king's civil and military administration involve a number of important principles. The king, we are first told, should keep under his own control the two vital portfolios of the central government, namely, the revenue and the army. This is based

upon the author's conviction of the grave danger arising from the disaffection of the innermost circle of the king's ministers. Secondly, we read that the departmental heads should not only be selected for their merit, but should also be constantly supervised when in office. This is founded upon two allied arguments, namely, that human nature is fickle and that power breeds corruption. The heads of departments are further warned against mutual combination as well as conflict on the ground that these involve the loss and destruction respectively of the king's substance. Thirdly and lastly, we are told that the army should be placed under a divided command since this is a sure guarantee against treachery.

GEO-POLITICAL IDEAS OF KAUṬILYA

We have observed in the preceding chapter how the early *Arthaśāstra* authors introduce us to a number of geo-political ideas relating to the military and economic significance of the State territory. These ideas are amplified and corrected by Kauṭilya. We have, to begin with, his comprehensive list (VI 1) of the marks of a good rural area (*janapada*). It should have enough space (for the construction of forts and so forth) : it should have enough subsistence for its own people and those coming from outside : it should be capable of easy defence in time of peril : it should provide easy subsistence for its people : it should bear hatred towards the enemy : it should be capable of keeping vassal chiefs under control : it should have no muddy, stony, barren and uneven soil, no (hostile) associations of people, no wild animals and no jungles : it should have agricultural lands, mines, forests yielding economic products and sheltering elephants : it should be good for cattle and for human beings : it should be rich in domestic animals : it should not depend upon rain for its water-supply : it should be provided with water-ways and land-ways : it should have valuable and varied merchandise : it should be capable of enduring the burden of the king's taxes and fines : its agriculturists should be industrious and its chief men should be intelligent : it should have a large population of low castes : its people should be loyal and pure. Explaining in another context (VIII 1) the superiority of the rural area to the urban or fortified tract (*durga*), the author argues that the operations relating to the *durga*, the revenue and the army, as well as the occupations of agriculture, cattle-breeding and trade and the qualities of heroism, steadiness, skill and superior numbers have their roots in the *janapada*. Further explaining the superiority of the fortified area to the revenue (*kośa*), the author observes that the revenue and the army, (the waging of) treacherous warfare, control over one's own partisans, the disposal of troops, acquisition of support from an ally, and lastly, defence against enemies and foresters—all these depend upon the *durga* : if the *durga* is not secure, the *kośa* can be seized by others : a king sheltered by a strong fort, though without revenue, cannot be crushed. The above extracts indicate the author's ideas of the characteristics of a good territory. The assets of the rural area, we are told, are facility for military defence,

economic resources with an ample agricultural, pastoral, mineral and forest wealth, and a flourishing commerce, a good soil, climate and communications and a patriotic, vigorous and industrious population : the rural area, again, is the grand reservoir of the fiscal, military and economic resources of the State. On the other hand the urban (fortified) area is the place for safe custody of the revenue, and for refuge of the army, the *point d'appui* for directing (offensive) political and military operations against the enemy and the means of defence against the latter.

Some further ideas of Kauṭilya on the present subject may be traced in his discussion (VII 10–12), in a series of successive pairs, of the comparative advantages of different sub-types of treaties between two kings with the common object of territorial acquisition. Two lands being equally prosperous, we are told (VII 10), that which is won from a powerful enemy is better than one gained from a weak one : poor land with an impermanent enemy is better than rich land with a permanent one : land which is near though small, is better than one which is distant and large : land won from a foolish king is better than one gained from a wise king : land supplied with water from tanks and rivers, though small, is better than one depending upon rain-water, though large. In the following chapter (VII 11) we are told that elephant-preserves are better than forests yielding economic products. Finally, we read (VII 12) that a hill-fort is better than a fort guarded by a river, and that again than an ordinary fort on the plains : that an irrigation-work constantly filled with water is better than one depending upon rain-water for storage : that elephant-preserves with numerous but weak elephants are better than those with few and strong ones : that mines with a large but less precious output are better than those with scanty and precious yield : that a land-route is better than a water-route and that the Southern land-route is better than the Himalayan one. It is impossible to quote here the author's arguments (cited by way of countering those of the older masters) in support of his opinions. We can only recall their significance as furnishing a fresh illustration of the *Arthaśāstra* tendency to appraise the relative advantages of different types of lands, forests, irrigation-works, mines and trade-routes in their application to the policy of inter-State relations.

CHAPTER SIX
NOTES

[1] Dr D. R. Bhandarkar's contrary view (*Some Aspects*. . . p. 22) that Kauṭilya prepared an abstract of *Arthaśāstra* 'shorn of all its pedantic discussion' and 'thus rescued it from its threatened complete oblivion', and again that Kauṭilya 'divested the science of polity of its speculative character and combined the minimum of it with the maximum of the practice of statecraft' is belied by facts. In truth Kauṭilya not only continued the old, but started fresh discussions, often of a pedantic character, on various concrete problems of government. On the other hand the early *Arthaśāstra* thinkers, however much they might be lacking in Kauṭilya's political insight and judgement, justified the fundamentally practical definition of their science by starting

intensive investigations of numerous problems of statecraft. To the above quoted reference to Vishṇugupta (Kauṭilya) in Kāmanḍaka's *Nītisāra*, we may add that this author in the same verse (I 6) applied the title 'creator' (*vedhas*) to his great master because, as his commentator Śaṅkarārya remarks, Vishṇugupta created a separate science. In an introductory verse of the *Pañchatantra*, Chāṇakya (Kauṭilya) is included more generally in a list of 'makers of the kingly science'.

[2] Kāmandaka (III 14) expresses the idea more emphatically by saying that *vārttā* is life. In this as in other instances Kāmandaka's text may be safely used as a kind of running commentary upon that of Kauṭilya. For the above explanation of *hiraṇya* *vide* note 5 below.

[3] The above is expressed by Kāmandaka (III 8) in the following way, '*Ānvīkshikī*, *trayī* and *vārttā* are called the manifest sciences, but if *daṇḍanīti* were to be disturbed, they would be evil, even if they could exist'.

[4] The contrary interpretation of the above texts (Kauṭilya III 1) by Prof. K. A. Nilakanta Sastri (*Age of the Nandas and Mauryas*, p. 174, repeated, *Prof. M. Hiriyanna Commemoration Volume*, p. 146) tending to stamp Kauṭilya as the author of a theory of royal absolutism unknown before or since to our ancient thinkers, has been fully discussed and shown to be untenable by the present writer elsewhere (*vide* his papers entitled '*The authority of the king in Kauṭilya's political thought*' and '*Kauṭilya on royal authority*' in *I.H.Q.*, December 1952, pp. 307-11, and September 1953, pp. 286-92). Prof. Sastri has since repeated his view, criticised above, in his chapter on *Government, Society and Art of the Mauryan Empire* (Chapter III, pp. 51-2) of the work *A Comprehensive History of India*, vol. II, Calcutta, 1957.

[5] In the above *hiraṇya*, usually translated as 'gold', has been interpreted as a technical term meaning the king's contribution of crops in cash as distinguished from his normal contribution in kind (for the arguments *vide* the author's work *A History of Hindu Revenue System*, pp. 60-62). The translation 'kings subsisting by these shares' etc. follows the rendering of T. Ganapati Sastri in place of the inaccurate version of R. Shamasastry. *Mātsyanyāya*, state Kullūka (comm. on Manu VII 20) and Śaṅkarārya (comm. on Kāmandaka V 40), means the condition in which the strong kill, or devour the weak. According to the fuller explanation of Raghunāthavarman (quoted, Col. G. A. Jacob, *Laukikanyāyāñjali*, Part II, pp. 57-8), the maxim means that just as strong fishes destroy the weak, so in a kingless country the strong men destroy the weak ones.

[6] Contrast K. P. Jayaswal, *Hindu Polity*, p. 166 (Kauṭilya's extract I 13 involves the application of 'the *arājaka* theory of Social Contract' to monarchy), D. R. Bhandarkar, *Some Aspects* . . . pp. 40-43 (the above extract combines the theory of 'Social Contract' or of 'Governmental Compact' with the theory of the king's endowment with 'a superhuman character' because of his being backed by the two Regents of the Quarters) and Dr A. S. Altekar, *State and Government* . . . p. 91 (Kauṭilya's extract X 3 conceives the king to be 'a servant of the people'). For criticism of the last-named view, *vide* the author's paper *Conception of the King as 'a servant of the people' in Hindu Political Theory* (*Sarūpa Bhāratī, Lakshman Sarup Memorial Volume*, pp. 204-7). Jayaswal's interpretation (op. cit. p. 339) of two other texts in Kauṭilya V 3 in the sense that the king's civil list 'was called his salary' and 'had to be fixed with reference to the income of the State and the position of the monarch and country', rests in the first instance upon the quite unwarranted inclusion of the king in the category of the king's servants (*bhṛitya*) and in the second case (as has been shown by Dr P. V. Kane, *History of Dharmaśāstra*, vol. III, p. 28) upon a misapprehension of the text which refers to the payment of salaries to the *adhvaryu* priest when representing the king.

[7] When some well-known scholars (P. Masson-Oursel in *Ancient India* . . . , p. 93, D. R. Bhandarkar in *Some Aspects* . . . pp. 84 and 126, P. V. Kane in *History of Dharmaśāstra*, vol. III, p. 18) interpret the opening passage in Kauṭilya VIII 2 in the sense that the king is the State ('l'État c'est moi'), they ignore the dual number in the title of the chapter, as well as the double reference to the king and his *rājya* in its contents.

CHAPTER VII

THE TECHNICAL WORKS ON POLITY— II THE *ARTHAŚĀSTRA* OF KAUṬILYA (CONCLUDED)

PRINCIPLES OF GOVERNMENT

Kauṭilya's principles of government like those of his predecessors are mostly embedded in his discussions of the lines of State policy. We may, however, notice at the outset a few principles which are laid down more or less independently by the author. Introducing his remarkable account of the king's daily and nightly routine (I 19), the author says that when the king is alert, his servants likewise become alert : when he is careless, they become equally so, and they destroy his work and he is overpowered by his enemies. Of a king, we read in the concluding verses of this chapter, his exertion is his sacrificial vow, discharge of his duties is his (performance of) sacrifice, and equal behaviour towards all is his sacrificial fee as well as his purificatory bath after the sacrifice : in the happiness of his subjects lies the king's happiness, in their welfare his welfare, his well-being consists not in what pleases himself but in what pleases his subjects : the king should perform his work with the application of constant exertion, for exertion leads to success, while its opposite is certain to produce failure in respect of past and future acts. In the above extracts the author enjoins almost with a religious solemnity the king's observance of the qualities of exertion, dutifulness and impartiality. This culminates in the author's doctrine of the king's complete identification of his interests with those of his subjects. Exertion in particular is justified in the king's own interest by pointing to the influence of the king's example upon his followers.

We may next notice a few extracts in our author's work bearing upon the conception of the king's paternal rule over his subjects. The king, says the author (IV 3) while summing up his policy of State relief of the people against providential calamities, shall show favour like a father to his people when they are afflicted by these visitations. A more complex application of this principle is reflected in Kauṭilya's account (II 1) of the policy of State colonization of the rural tracts. Here the king is enjoined on the one hand to show favour to the settlers after the expiry of the period of their revenue-remission : he is further required to maintain the infants, the aged, the diseased and the distressed persons, helpless as well as barren women and the sons of women who are without guardians. On the other hand we are told that the king should enforce (by fine or imprisonment in some cases) the duties of slaves and pledgees and relations towards their masters and principals, those of village-elders in respect of the property of minors and temples, and those of relatives regarding maintenance of wives and children,

parents, minor brothers and unmarried as well as widowed sisters : should any one embrace the monastic order without providing for the livelihood of his wife and son or induce a woman to adopt the same, we are further told evidently with reference to the impetus given to this movement by the rise of Buddhism and Jainism, he would also be liable to a fine : one who has passed the age of reproduction can enter the monastic life after obtaining the permission of the judges, but if he were to do so otherwise he would be imprisoned. The above extracts, it will be noticed, introduce us to a double aspect of the king's paternal rule over his subjects, namely, the humanitarian and the authoritarian. Of these tendencies the former was anticipated by the early Buddhist canonists, while the latter was doubtless inspired by the general trend of *Arthaśāstra* statecraft.

POLICY OF ACQUISITION OF DOMINION

Kauṭilya's discussions of the lines of State policy, naturally enough, are more complete than those of the early *Arthaśāstra* thinkers, while they bear throughout the impress of his superior political insight and judgement. We may consider them in the first place under the two broad but vastly unequal divisions suggested by the definition of *Arthaśāstra*, namely, those relating to the acquisition of dominion and those concerning its preservation. The policy of acquisition of dominion is dealt with by the author in a separate section (Section XIII) of his work bearing the title 'The means of capturing a fortress'. In the first four chapters of this section the author describes in great detail the fivefold method of achieving this result, namely, by creating disaffection (among the enemy's partisans) (*upajāpa*), by getting rid of the enemy through secret tactics (*yogavāmana*), by setting spies (on the enemy's kingdom) (*apasarpa*), by siege (*paryupāsana*), and by assault (*avamarda*). Illustrating the first method the author tells us (ibid. 1) that the king's agents are to carry on intrigue among the enemy's officers and troops as well as different types of his subjects in ways appropriate to each, so that they might become disaffected towards their master and inclined in his own favour. The author illustrates (ibid. 2) the second method by saying that spies posing as horse-dealers are to tempt the enemy king to inspect their merchandise and kill him at the time of inspection : other spies may tempt the enemy king similarly according as he is fond of elephants, riches, or women, and kill or capture him at the opportune time and place : spies may collectively strike down the enemy king on the occasion of his witnessing shows and spectacles and so forth, or amid a large concourse of people, or when he is off his guard : spies in the guise of holy men or of those with pretended possession of the secret of discovering treasures and similar powers are to tempt the enemy king to meet them and kill him at the suitable opportunity : the secret agents may stage the presence of a demon and induce the enemy king to arrange for propitiatory and penitential ceremonies requiring his presence and slay him in the opportunity : they may likewise kill him from their places of concealment when he is visiting holy

persons and shrines. The author illustrates the third method (ibid. 3) by showing how the king is collusively to banish sons of his own officers or subjects for pretended faults so that they may take their residence in the enemy's kingdom and win his confidence for his eventual destruction. Lastly, as regards the methods of siege and assault the author (XIII 4), anticipating the scorched-earth strategy of modern times, tells us how the enemy is to be injured by stopping his sources of supply, destroying his accumulated stores and standing crops, driving away his subjects and procuring their assassination : then he shows how the enemy's fort may be assailed by the large-scale use of inflammable materials, how the enemy may be attacked and killed when at a disadvantage, and how his fort may be captured by treachery. Applying the five-fold method of capturing a fortress above described to the policy of acquisition of dominion, the author observes in the concluding lines of his fourth chapter that these should serve as the pattern for a king's achievement of 'world-conquest' of one or other of four types. Describing the first type which contemplates a State-system of the standard type, the author says that the Aggressor (*vijigīshu*) having acquired his enemy's dominion shall seek to master the neutral king (*madhyama*) and then the most powerful king (*udāsīna*). In the second type we are told that the king in the absence of the *madhyama* and the *udāsīna* shall overcome the enemy by his exhibition of superior qualities, and then he shall overcome the more distant kings. In the third type the king in the absence of a regular State-system shall overcome the enemy by a double attack, namely, that of the enemy's ally through his enemy, and that of the enemy through the Aggressor's own ally. In the fourth and the last type the king shall overcome a vulnerable vassal (*sāmanta*) and after thus doubling his strength shall overcome another *sāmanta* and then with a threefold strength shall overcome yet a third. In the above it will be observed, the author contemplates four grades of acquisition of dominion descending from a king's mastery over a State-system to his lordship over a few vassals. Nevertheless the methods of its acquisition follow a uniform pattern which is modelled on the means of capturing a fortress by the employment of wholesale treachery and violence.

The policy of acquisition of dominion above described is supplemented by Kauṭilya's statement (XIII 5) of the policy of pacification of the acquired kingdom. An acquired territory, we are first told, is of three kinds, namely, that which is newly acquired (by a king from his enemy), that which belonged to him formerly (but has since been lost to the enemy and recovered from him), and that which he has inherited from his father (but has similarly lost and recovered). The measures for pacification of the first class of acquired territory which Kauṭilya describes at length and which he intends to serve as a pattern for the rest, are characterised by politic generosity towards the king's new subjects. The king, we are told, should put into a shade the enemy's faults by displaying his own virtues and the enemy's merits by doubling his own : he should do good to his subjects by performing his

distinctive duties (*dharmas*) and occupations (*karmas*), by granting revenue-concessions and remissions, and by bestowing gifts and honours : he should reward his partisans belonging to the enemy's kingdom according to his promise, and he should further conciliate those who have exerted themselves on his behalf ; for, as the author says with true political insight, a king who fails to keep his promise as well as one who acts contrary to his subjects' interests becomes an object of distrust to his own people as well as outsiders : the king should offer worship at all shrines, and he should favour those distinguished for their learning, speech and virtue with gifts of land and riches as well as remissions of revenue : he should show favour to the poor, the helpless and the diseased, and he should release all prisoners : by way of identifying himself completely with his subjects, he should adopt their dress, language and manners, and should treat with respect the local cults as well as fairs and religious festivals. Towards the local customs his attitude should be one of wise conservatism : he should abrogate such customs (*charitra*) as are harmful to his own interests or are contrary to righteousness (*adharmishṭha*) and establish instead the righteous customs (*dharmavyavahāra*) : he should adopt righteous customs that have been started by others. As regards the territory of the second class Kauṭilya concisely says that the king should renounce those faults which cost him the kingdom and strengthen those virtues which regained it for him. As for the territory of the third class the king, we are told with equal brevity, should suppress the faults of his father and proclaim his virtues. How these benign principles are supplemented by the application of shrewd and even unscrupulous diplomacy will be told in another place.

POLICY OF PRESERVATION OF DOMINION

The extensive body of Kauṭilya's rules relating to the preservation of dominion by a king may conveniently be studied under four heads, namely, the policy of security of the king and the community, colonization of the rural and urban areas, financial policy during an emergency and the policy of inter-State relations.

1. POLICY OF SECURITY. Kauṭilya introduces his discussion of the old *Arthaśāstra* problem of the king's personal security by pointing out its high political importance. The king, whose safety is ensured from those far and near, we are told (I 17), is capable of protecting the kingdom. This involves the principle that the king's personal security is the key to the security of the State. As regards the policy of ensuring the king's security against his sons, Kauṭilya's criticism of the older views indicates his superior political insight as well as moral standards. Princes, the author admits, partake of the nature of crabs in the matter of devouring their begetter, and therefore they must be guarded from their very birth. Nevertheless he rejects Vātavyādhi's advice to lure the prince to sensual indulgence in the interest of the king's security, and he recommends instead that the prince should be given ante-natal and post-natal care, that his sacrament should be performed

after birth by the royal chaplain, and that he should be trained by experts when come of age. In the same context the author rejects the dubious advice of the school of Āmbhi to the effect that the spies should alternately tempt the prince to self-indulgence and treason and dissuade him from the same. This is justified by a sound educational principle based upon the danger of corrupting an innocent mind by evil teaching. Teaching an unknown fault, says the author, is a great evil, while like a new object absorbing any substance with which it is smeared, the prince's immature intellect takes whatever it is taught as the dictates of the 'sciences'. Returning to his statement of policy on this point, the author says that while a prince without affection for his father may be imprisoned or banished, a self-controlled prince should be appointed to the post of General or Crown Prince. The above extract involves the application of an important principle of the author to which reference has been made above, namely, that education and discipline of the princes provide the best security for the king and his dynasty. Kauṭilya's statement of policy for ensuring the king's personal security is completed in two later chapters (I 20–21). Here he shows in detail how the king should secure his safety in his palace and particularly in the acts of visiting his queen, taking his meals and attending to his other bodily needs, witnessing shows, visiting gardens, hunting, granting interviews and joining in fairs and festivals. But these rules are not accompanied by any justifying principles.

The second line of policy laid down by the author under the above head is concerned with the king's keeping a watch over the behaviour of his own officials as well as those of his enemies. This involves the application of an elaborate system of espionage on the widest scale and with a high degree of technical perfection. Kauṭilya (I 11–12) enumerates nine different classes of spies called after their appropriate technical terms, and he explains how the first five of these classes should be stationary and the remaining four should be peripatetic : the spies are to be set in motion to keep a watch over eighteen classes of the king's officials as well as over the foreign kings and their corresponding set of officials. Defining one particular type of his class of spies, namely, the pseudo-ascetic, Kauṭilya (I 11) says in the above context that he is one who belongs to the shaven-headed (i.e. Buddhist and Jaina) or braided-haired (i.e. Śáiva and Pāśupata) varieties of the monastic orders and is a seeker after livelihood. His *modus operandi* is described very graphically. Living in the vicinity of a town with numerous disciples of these orders, he should pretend to live upon a handful of vegetables or meadow-grass once every one or two months, but he should secretly take wholesome food : his disciples are to proclaim his possession of the secret of discovering hidden wealth : when questioners appear before him, he is to find out the answers from signs and indications, and he is to make prophecies which are to be made good by other secret agents. This extract refers to a characteristic principle of Kauṭilya's statecraft, namely, his exploitation of popular superstitions for political ends.

The third line of policy under the present heading is concerned with the king's measures for guarding his own loyal and disloyal subjects against the enemy's wiles and for seducing those of the enemy. One aspect of this policy is illustrated by the above-quoted extract (I 13) stating how spies are to indulge in collusive disputations in public places, so that while one spy should question the king's right to the obedience of his subjects, the other spy should silence through him 'the lowly folk' by narrating the story of the origin and function of kingship. Turning to another aspect of his policy, the author shows how after the spies have ascertained the feelings of groups closely connected with the king, he should apply towards them the four traditional expedients: he should honour those who are contented and should apply successively the arts of conciliation, bribery, dissension and force against those who are disaffected. Illustrating the last expedient the author says that the king should offer the culprits as victims to the popular wrath after appointing them to unpopular offices, that he should kill them in secret or that he should engage them in compulsory labour in mines after taking their sons and wives as hostages. The further explanation of this policy leads Kauṭilya to classify the disaffected groups under four heads according as they are moved against the king by one or other of four passions, namely, anger, fear, greed and pride. The author shows by practical examples how these groups among the enemy's subjects are to be won over severally by spies appealing to their master-passion. The king, Kauṭilya concludes, should win over the disaffected group of the enemy's subjects through conciliation and bribery, while the contented group should be won over through dissension and force. The above extract illustrates an important aspect of Kauṭilya's statecraft, namely, his application of mob-psychology to Politics. We are told in effect that the judgement of the masses is founded upon popular slogans and not upon reasoned convictions. Again we are made to understand that the masses have no principles but only passions. It is the task of the statesman to take advantage of these characteristics to win mass-opinion on the side of government. For securing the submission of the masses the policy of conciliation should be tried in the first instance, and in the event of its failure recourse may be had to force involving secret murder of the delinquents, or their deportation to the State-mines.

Kauṭilya explains his fourth line of policy under the present head in two successive Books (IV–V) under the appropriate title of 'Extirpation of thorns' (*kaṇṭakaśodhana*).† This branch of policy falls into two great divisions according as it relates to the urban and the rural areas and to the king and the kingdom respectively. Beginning with the first category, Kauṭilya (IV 1) first mentions the special procedure to be applied for the investigation and trial of the relevant offences: panels of three magistrates (*pradeshṭās*) with the qualifications of *amātyas*, in contrast with the usual panels of three judges (*dharmastha*), should be placed in charge of this work. Further a

† see p. 118.

series of administrative regulations is laid down for ensuring the protection of the public against the malpractices of various classes of artisans and craftsmen as well as other professionals (such as weavers, washermen, dyers, goldsmiths and other workers in metal, examiners of coins, physicians, actors and dancers). This is followed (IV 2) by a detailed list of regulations which the superintendent of merchandise (*saṁsthādhyaksha*) should apply for controlling traders. Explaining the rationale of this line of policy the author observes (IV 1) that the traders, the craftsmen, the actors, the mendicants, the workers in charms and so forth, who are thieves in effect though not in name, should thus be prevented from oppressing the people. Giving in the next place (IV 3) a list of eight providential calamities comprising fire, flood, pestilence and famine as well as (the plagues of) rats, wild animals, snakes and 'demons', the author enumerates the measures which the king should take for the people's relief against each of these calamities. The spirit of these measures is reflected in the dictum that the king should show favour to the people afflicted by all visitations as if he were their father. In the following chapter (IV 4) the author describes in detail the measures which the chief executive and revenue officer (*samāhartā*) should take to bring to justice through the unscrupulous use of spies thirteen types of criminals comprising those living by underhand means: the list includes corrupt judges, magistrates and village head-men, false witnesses, those practising charms and witchcraft, poisoners and manufacturers of counterfeit coins. The next following chapters (IV 5–13) describe in detail the methods of detection and arrest of thieves and adulterous persons as well as those of discovering stolen property and examining cases of suspected murder, and finally, those of punishing various types of offenders including officials guilty of abuse of authority. In the above extracts the author lays down a threefold policy of security in the public interest. This involves, firstly, the protection of the public against various types of anti-social elements through special tribunals charged with the appropriate administrative regulations, secondly, State-relief of the people against all kinds of providential calamities, and thirdly, the suppression of what may be called clandestine public enemies through the agency of the secret police. This policy anticipates broadly the tendencies and characteristics of the collectivist States of modern times.

Let us come to the second grand division of policy (V 1) under the above title of 'extirpation of thorns', namely, that relating to the king and the kingdom, or as we may call it, the enemies of the State. The king, says the author, should apply against the chief officers (*mukhyas*) who defy his authority or are in alliance with the enemy, the weapons of espionage and official propaganda. Kauṭilya's concrete illustrations of this policy, as we shall see later, involve the treacherous murder of the offenders by the application of the methods of unscrupulous diplomacy. This anticipates the policy of the totalitarian States of our times, with the difference that the ancient thinker mentions as his objective the stability of the ruling dynasty in the place of security of the State favoured by his modern successors.

We may consider here a line of policy laid down by the author for the guidance of the minister in the political crisis arising from his master's fatal illness and death. Rightly rejecting his predecessor Bhāradvāja's thoroughly unscrupulous plea for usurpation of the throne by the minister, Kauṭilya urges the latter to secure the peaceful succession of a prince of the blood to the throne by the use of adroit (if somewhat unscrupulous) diplomacy. Illustrating this policy in detail, the author mentions in the first place the precautionary measures which the minister should take even before the impending calamity of the king's death. The minister should artfully conceal from the public the news of the king's mortal illness: he should under a suitable pretext concentrate the revenue and the army kept hitherto under different commands in one place: he should by the use of suitable diplomacy render innocuous any chief officer or vassal chief known to be disaffected against the king. After the king's death the minister shall set up a consecrated prince with the approval of the other princes as well as the chief officers: should any one of these officers or a vassal chief become disaffected, he should be inveigled by promise of the throne and put to death: the minister shall instal on the throne a self-controlled prince and failing him even a vicious prince or a princess or the pregnant queen, and he shall win by appropriate diplomacy the consent of the high officers to this act: the co-operation of all ministers and the troops is to be ensured by enhancement of pay with the promise of still further increase in future. The minister shall then arrange for the prince's education, or else he shall marry the princess to a suitable bridegroom and secure an heir for the throne. Thus shall the minister, says the author in his concluding words, establish the full sovereignty (of the new ruler). The above extract evidently involves the principle of ensuring the security and stability of the ruling dynasty at one of its gravest crises through the agency of the chief minister.

2. COLONIZATION OF RURAL AND URBAN AREAS. Kauṭilya's scheme (II 1) of State-planned colonization of the rural area in the first place involves the application of the geo-political ideas characteristic of the *Arthaśāstra* of which we have spoken above (p. 92). Introducing his scheme the author says that the king should fill new and old rural tracts with people drawn from the enemy's kingdom or from surplus areas within his own kingdom: in these tracts villages are to be founded on a settled plan: the single village should comprise between a hundred and five hundred families mostly of Śūdra cultivators, with recognisable boundaries and at a specified distance from the next village: the villages are to be grouped into circles of 800, 400, 200 and 10 units with a central large town (*sthānīya*), small town (*droṇamukha*), smaller town (*khārvaṭika*) and large village (*saṁgrahaṇa*) respectively in their midst. Not only are the villages to be capable of military defence, but the frontier is to be defended by a chain of forts under Wardens of the Marches, while the intervening spaces are to be guarded by huntsmen and foresters. While the needs of religion are to be met by grants of land to Brāhmaṇas, those of the administration are to be satisfied by similar grants

to various subordinate officials. A definite plan of agricultural development is to be taken in hand : prepared fields are to be given to cultivators for a single generation, but unprepared fields are not to be taken away from them : neglect of cultivation is to be punished with the transfer of the holdings to others : loans and advances are to be granted by government so as to benefit and not to harm the treasury : the construction of irrigation-works is to be undertaken by the government or with government help, and agriculture and pasturage are to be protected against all oppression. Industrial and commercial development according to plan is to go hand in hand with agricultural improvement : mines, we are told, are to be worked, factories are to be started, forests of economic products are to be created, pastures are to be provided, trade-routes as well as land and waterways are to be opened and marts are to be established. The lives of the villagers are to be strictly regimented so as to fit them for producing a maximum output in the interest of the State. Gardens and places of recreation are not to be allowed to the people, while actors, dancers, musicians and so forth are not to be permitted to obstruct their work, for, as the author naïvely says, when the villagers are left without any such place of refuge and are devoted to their field-work, there follows an increased output of revenue, compulsory labour, raw materials, crops, and jaggery. Listing the above programme of the all-round development of the rural area in his concluding words the author says that the king shall save his territory from affliction by the enemy's troops as well as from the visitations of pestilence and famine, that he shall prevent the people from indulging in expensive amusements, that he shall protect agriculture from the burdens of fines, compulsory labour and taxes and the cattle-pens from thieves, wild animals and poisoners as well as from diseases, that he shall protect trade-routes which are in danger of being made insecure in different ways, and lastly, that he shall similarly protect all forests, irrigation-works and mines and start new ones.

The colonization of the uncultivable tract (II 2) likewise follows a set pattern. Out of this tract, we are told, pastures are to be provided for grazing of domestic animals, grants are to be made to Brāhmaṇas and ascetics, a hunting-forest for the king's use and a forest sanctuary are to be created, a forest yielding economic products is to be set up with workshops and workmen attached to it, and an elephant-preserve is to be started with an adequate trained staff. Kings, says the author in justification of the last statement, depend chiefly upon elephants for victory in battle, while the elephants with their huge bodies are capable of destroying the enemy's battle-array, forts and encampments as well as of taking the lives (of his partisans).

In the above extracts we can detect a number of important principles. These relate firstly, to the planting of villages in the cultivable area in a series of ascending units with the object of providing for the military, economic, and administrative needs of the State as well as the requirements of the Brahmanical religion ; secondly, to launching a comprehensive

programme of agricultural, industrial and commercial development with the objective of exploiting its economic resources to the utmost; thirdly and lastly, to the settlement of the uncultivable tract broadly with the same objectives as that of the cultivable area.

The principles of town-planning under the auspices of the State (II 3–4) follow an equally advanced pattern. Forts of four different varieties are to be built along the frontier in all the four directions : a town (technically called *sthānīya*) is to be constructed in the midst of the rural area to serve as a treasury for receiving the revenue and also as a mart for the sale of merchandise : it is to be built according to plan with ditches, ramparts, walls, roads and so forth constructed according to specification. The capital city is to be laid out on an elaborate plan with streets of different width and with the king's residence serving as a focal point around which are schematically grouped the places for the performance of sacrifices, the various administrative offices, the shops of traders, and lastly the residences of artisans and different social classes. It is evident that the objectives sought for in this case are among other things frontier defence, provision of convenient administrative, military and commercial centres in the kingdom, and lastly, the equipment of the capital according to plan with the paraphernalia of a centralised administration as well as the requirements of a developed industrial and commercial civilisation.

3. FINANCIAL POLICY OF THE STATE IN AN EMERGENCY. Kauṭilya devotes a whole chapter (v 2) to the king's policy of replenishing his treasury when he is without revenue and is faced with financial difficulties. The king in the first place may ask for benevolences (*praṇaya*) from different classes of his subjects : this involves the levy of enhanced rates of assessment of the revenue from the cultivators, the traders, and the breeders of domestic animals. Warning the king with his usual political insight against repeating this demand for a second time, the author mentions alternative methods of replenishing the royal treasury by force and fraud through the agency of spies as well as government officers. The chief executive and revenue officer (*samāhartā*), we are told, should solicit subscriptions from the people on a suitable pretext : the secret agents, says the author in words indicating his command of subtle diplomacy, should first make large contributions and shame those contributing little, while the king should reward rich subscribers with gifts and honours : the king's agents may seize on a stated pretext the property of heretics, of *sañghas*, and of temples other than what is reserved for the use of learned Brāhmaṇas : the officer-in-charge of temples may set up objects of public worship and exploit the popular superstition for gathering funds for the king : a spy masquerading as a merchant may start business on a large scale and when he has accumulated a considerable stock of merchandise as well as loans and deposits, he may be robbed of the same at night (by the king's agents) : similar methods may be employed by the State examiner of coins and the State goldsmith. The enemies of the State (*dūshyas*), above all, are to be singled out as victims of this shameless

policy of spoliation of the king's subjects : the author shows by concrete examples how they are to be hauled up, on trumped-up charges of assault on chaste women, murder, theft, manufacture of counterfeit coins, and treason against the king, and they are then to be punished with confiscation of their property. The author's concluding warning reflects afresh his sound political instinct. Such methods, he says, should be applied against the enemies of the State as well as sinners and against none else : like ripe fruits in a garden, the king should gather from his kingdom the wealth (of the wicked) that is ripe (for seizure), while like unripe fruits he should avoid unripe wealth which may cause disaffection.

The fundamental principle underlying the above extracts is that the necessity of the king (or the State) justifies the application of force and fraud in varying degrees for raising revenue in a grave emergency. This is subject only to the limitation imposed by sound policy in the shape of avoidance of public discontent. When the author further allows the property of enemies of the State and of sinners to be seized or various pretexts in the interest of the State, he anticipates a twofold principle which was destined to be developed fully by Bhīshma in the *Mahābhārata*, namely, that the interest of the State in its grave emergency overrides the rules of morality and that ownership is founded on virtue.

4. POLICY OF INTER-STATE RELATIONS. The extensive body of rules concerned with inter-State relations in Kauṭilya's work contains the most complete as well as the most important contribution on the subject made by our ancient thinkers. Introducing his discussion with an analysis of the factors bearing on these relations, Kauṭilya (VI 2) first shows how the sixfold policy (*guṇa*) produces the efforts 'for achieving a work' (*vyāyāma*) and 'for securing the result' (*śama*), while it bears fruit in Decline, Equilibrium and Progress (of the State) : again he points out how both providential and human factors govern man's affairs. After this general introduction the author gives us a comprehensive list of definitions of the categories and concepts of inter-State relations (above, pp. 84, 93). Such are the constituent elements (*prakṛitis*) of the State-system, the classes of allies and enemies, the three Powers (*śaktis*) and the three Successes (*siddhis*). The three Powers consist, according to the author, of the elements called the power of (the king's) counsel (*mantraśakti*), that of (the king's) material resources (*prabhuśakti*), and that of (the king's) energy (*utsāhaśakti*) : these are explained respectively to mean the strength of knowledge, that of the revenue and the army and that of prowess. The three Successes are those achieved severally by the above means. The test of a strong, a weak, and an equal king, the author continues, is the possession of the above powers and successes in a greater or less or equal measure. It is in the light of this test that the author lays down his first general canon of external policy. The king, he says, shall strive to win for himself or for his subjects (*prakṛitis*) the twofold asset of power and success, and in the alternative he shall endeavour to injure that of the enemy through the agency of the latter's seditious subjects as well as

foes. Probing deeper into the problem, the author mentions a series of occasions on which the king may wish the enemy by way of exception both power and success : one such occasion arises when the enemy is expected to use his power to alienate his subjects through harsh speech and punishments as well as spoliation, or to use his successes for indulgence in hunting, gambling, drinking, and women and to be liable as such to be overpowered by his rival. The above extract develops an important *Arthaśāstra* principle, namely, that the objective of foreign policy is a king's all-out attainment of power and success, or at least the denial of the same to his enemy (above, p. 95). To this we have to add another principle, namely, that of mutability of the relative strength of States so as to make it necessary for a king to adjust his foreign policy with an eye not merely to the immediate present, but also to the near future.

Passing from his general statement of the objective of foreign policy to his rules for selection of its specific types, Kauṭilya (VII 1) begins by upholding against Vātavyādhi's criticism the view of the Teacher about the content of this policy. While the critic holds that the six types of foreign policy (*guṇas*) arise out of peace and war which therefore are the only two *guṇas*, Kauṭilya argues that the six types are variations of peace and war caused by circumstances, and therefore the list consists of all the six items. Defining the six types after his usual pattern the author next proceeds to lay down his general rule for their selection. The Aggressor (*vijigīshu*), he says, should conclude peace when he finds himself to be weaker than the enemy, he should wage war when he finds himself to be stronger, he should adopt neutrality when he feels that neither he nor his enemy can overcome the other, he should march forth for attack when he is equipped with excess of strength, he should take refuge when he is weak, he should adopt the dual policy in a matter requiring another's help. The selection of the type of foreign policy, in other words, is to be made in accordance with the principle of expediency based upon an intelligent estimate of the relative strength of two rival States.

Applying the rule of foreign policy just stated to the specific problem arising from his objective of Progress, Kauṭilya (VII 1) explains in detail the conditions justifying severally the application of the six types of foreign policy with this sole object in view. The king, he says, shall achieve Progress through peace when he feels that he is likely thereby to ruin his enemy's works by the construction of his own greatly productive ones, or to enjoy the fruits of his own greatly productive works or of those of his enemy, or to utilise the confidence derived from the treaty to ruin the works of his enemy by recourse to espionage and secret contrivances, or to seduce the enemy's skilled workers with the bait of favours and remissions and with the prospect of the greatly advantageous results of his own works, or to induce the enemy to ruin his own works by a too close alliance with a powerful enemy, or to prolong the enemy's strife with a king under whose pressure the enemy made the treaty with himself, or to detach the enemy from his

State-system and win over the latter to his side, or to create in that enemy hostility towards his own State-system. The king, Kauṭilya continues, should seek for Progress through war when he thinks that his kingdom is rich in troops and economic guilds, or that it is guarded by forts with one way of exit and is thus capable of warding off the enemy's attack, or that he may ruin the enemy's works by throwing himself into an impregnable fort, or that the enemy being depressed by his calamities and misfortunes the time is opportune for ruining his works, or that the enemy's war-afflicted subjects may be induced to migrate elsewhere : Progress should be sought after through neutrality when the king feels that neither he nor his enemy is capable of ruining the work of the other, or that their mutual strife would be like that of the dog and the boar, or that he may succeed thereby in speeding up his own work : the king should seek Progress in attacking when he finds that the enemy's work can be ruined only thereby, and that the defence of his own works has been provided for : the king should seek to raise himself from a state of Decline to that of Equilibrium and thence to that of Progress by following the policy of taking refuge with another when he feels that he is incapable of ruining the enemy's works as well as of preventing the ruin of his own works : finally, the king should seek Progress through the dual policy when he feels that he can develop his own works by making a treaty with one king and ruin another's works by making war with him. This long extract means that the sole criterion of selection of foreign policy should be the end of Progress in the sense of achieving a double programme, namely, that of a king's promotion of his own productive works at the expense of those of his enemy and of his strengthening his own political as well as military position to the detriment of that of the enemy.

Some further application of the principle of selection of the six types of foreign policy in the light of the objective of Progress is made by the author in the following chapter (VII 2). When Progress is equally attainable by means of peace and war, he says, the former is to be preferred to the latter : for war involves expenditure in men and money, residence in a foreign land and sufferings (at the enemy's hands) : for the same reason neutrality is to be preferred to attack when Progress can be equally achieved through both : when Progress can be equally attained through the dual policy and the policy of taking refuge, the former should be preferred to the latter, for in the former case the king serves principally his own ends and thus benefits himself alone, while in the latter case he benefits the enemy and not himself. This extract involves the principle that while Progress should be the fundamental objective of all types of foreign policy, the selection of the particular type should be made so as to ensure for the king his maximum advantage.

The selection of the vital policies of peace and war forms the subject of Kauṭilya's following chapter (VII 3). The Aggressor, we are told at the outset, should make peace with one who is his equal or superior in strength and he should wage war with one who is his inferior : for while a fight with a stronger

enemy is like that of a foot-soldier with an elephant, a fight between equals like the clash between two unbaked vessels brings ruin to both, and fight with a weaker king like the clash of a stone with an earthen vessel brings great success. This general rule is qualified by a few observations. Should the strong king, we read, not desire peace with the Aggressor, the latter should adopt the policy of the king who has been conquered by arms (VII 15), or else that of intrigue and treachery (XII) : should a king of equal strength not desire peace, the Aggressor should give him as much trouble as he has been given, for it is the exhibition of prowess that unites two kings just as no piece of iron that is unheated unites with another piece : should the weak king be all submissive, peace should be made with him, for otherwise he would be lashed to fury by sorrow and anger and attack the Aggressor like a forest-fire, while he would attract the sympathy of other kings. The weak king should wage war even with a strong enemy when he finds that the enemy's subjects are excessively greedy, impoverished and vicious, and he should launch an attack when he thinks that the enemy's troubles are beyond remedy : the strong king should make peace with a weak enemy when he finds that the enemy's subjects are not deserting to him, and his troubles are greater than those of the enemy : the king should adopt neutrality when he finds that neither his own gain nor the enemy's loss is likely through peace or war : he should take refuge with another when he finds that his troubles are beyond cure and are imminent : he should adopt the dual policy when he thinks that he can thereby achieve his desired ends.

In the above extracts the question of selection of the policies of peace and war is treated by the author as involving a military as well as a political problem. The king, we read, should ordinarily make peace with a strong enemy to avoid certain destruction, but in the event of his failure he should have recourse to submission or else the use of intrigue and treachery : he should ordinarily make peace also with an equal enemy to avoid common destruction, but in the event of his failure he should use sufficient pressure to make the other party accept peace : he should ordinarily wage war against a weak enemy, but peace should be made in the event of the latter's complete submission so as to avoid driving him to despair, or else of the absolute or relative superiority of the latter's political position arising from the attitude of his subjects and the nature of his troubles. The weak king on his side should ordinarily submit to make peace with a strong enemy, but he may wage war in the event of superiority of his position arising from the twofold cause last mentioned.

Kauṭilya's views regarding the policy of attacking the enemy amplify and develop those of the early *Arthaśāstra* thinkers (above, pp. 96–7). His general rule on this point is sufficiently comprehensive. The Aggressor, we are told (IX 1), shall march after he has weighed the relative strength (or otherwise) of himself and his enemy as regards the factors of power, place and time, the marching season, the time for mobilisation of troops, the risk of attack by the rearward enemy, the prospective loss of men and material, the

prospective gain and prospective dangers, and after he has equipped himself with sufficient strength : otherwise he shall follow the policy of neutrality. The application of this rule is explained in considerable detail in the rest of the above section (IX 1–7). It is possible to notice here the author's view only in its broad outline. Referring in the first place to the category of 'the three Powers', the author observes (contrary to the Teacher's view quoted in the preceding chapter) that the strength of the army and the revenue (*prabhāva-śakti*) is superior to that of (the king's) prowess (*utsāhaśakti*), and that the strength of counsel (*mantraśakti*) in its turn is superior to that of the army and the revenue. A king possessed of material strength, it is argued, can thereby overcome one possessed of prowess, and he can bring under his control still another king with the same qualifications, while his money can purchase the chief men and his troops can prevail everywhere :[1] again it is urged that one possessing the eye of wisdom and (of knowledge) of the sciences can carry his counsels into effect even with a slight effort, and he can overcome those possessed of prowess or of material resources alone by the application of the four expedients as well as the use of secret preparations. As regards the factors of place and time, Kauṭilya divides both into three grades, namely, the good, the intermediate, and the bad : they are good, we are told, when the conditions are favourable for the deployment of the king's own troops and unfavourable for that of the enemy's troops : they are bad when the conditions are reversed : they are equal when the conditions are the same for both. Referring to the old *Arthaśāstra* problem of the comparative importance of the three factors (namely, the king's strength as well as place and time), the author rejects the three alternative views quoted in the preceding chapter : he declares instead that the three factors are interdependent and therefore of equal importance.

In these passages Kauṭilya, agreeing with the early *Arthaśāstra* masters (above, p. 96), recognises in the first place the principle that the selection of the policy of attack is a military problem in the widest sense of the term. This requires, we are told, the balancing of the relative strength of the parties from the standpoint of the three principal factors of power, place and time, as well as of the subordinate factors like the risk of attack in the rear, the probable loss and gain and the prospective danger. In the second place Kauṭilya, differing from the older masters, assigns equal importance to the three principal factors on the ground of their interdependence. Thirdly and lastly, as regards the comparative estimate of the three constituents of Power Kauṭilya, disagreeing with the Teacher, assigns the first place to the intellectual element and the lowest to the volitional element with the material element occupying an intermediate place between the two. This estimate is based on the one hand upon the argument that the king's army can defeat and his money can buy the enemy's troops and on the other hand upon the statement that the king's counsel operates through the application of the four traditional political expedients as well as another expedient as yet unknown by any technical title but afterwards aptly called deceit (*māyā*).

How the intellectual element is superior to the material is shown by the author by a striking simile (x 6), namely that the arrow discharged by an archer may or may not kill a man, but the counsel directed by a wise man will kill even the foetus in the mother's womb. Such passages reflect one of the characteristic features of Kauṭilya's statecraft, namely, its high intellectuality.

Let us next deal with Kauṭilya's discussion (VII 5) of an old *Arthaśāstra* problem of inter-State relations arising from the subjects' attitude towards their ruler (above, p. 97). Of the three vulnerable (*yātavya*) types of kings, namely, one who is plunged in a grave calamity but is a just ruler, one plunged in a minor calamity but an unjust ruler, and one who has disaffected subjects (*prakṛitis*), it is asked, which should be attacked in preference to the others? Answering this question in favour of the last type, Kauṭilya argues that in the event of an attack the subjects help the first king and remain indifferent towards the second, but they destroy the third king, be he never so strong. Turning to the next problem Kauṭilya differing from the Teacher thinks that the king whose subjects are oppressed should be attacked in preference to one whose subjects are impoverished and greedy: the impoverished and greedy subjects, it is argued, out of love for the king remain intent on his good and become proof against the enemy's intrigues. Discussing the next problem Kauṭilya thinks that when two kings are both vulnerable, the powerful but unjust ruler should be attacked instead of the weak but just ruler: when the king of the first type is attacked, it is explained, the subjects give him no help, but on the contrary expel him or else go over to the enemy's side: by contrast when the king of the second type is attacked, they help him or else accompany him in his exile. The above discussion gives Kauṭilya the opportunity for conveying a solemn warning to the king against ill treatment of his subjects in the interest of his own security. For the author, after giving a long list of the king's faults because of which his subjects become poor, greedy and disaffected, observes that when the subjects become poor they become greedy, that on becoming greedy they become disaffected, and that on being disaffected they go over to the enemy's side, or else themselves slay their master: the king, therefore, must not produce the causes tending to make the subjects poor, greedy and disaffected, but on the contrary he should counteract them immediately after their appearance. Turning in the last place to a fresh problem, namely, that of the comparative evil of poor, greedy and disaffected subjects, the author thinks that they are progressively dangerous. While the poor subjects, he argues, out of fear of oppression and destruction immediately accept peace or war or escape elsewhere and the greedy subjects out of discontent are willing to be won over by the enemy's intrigues, the disaffected subjects make themselves ready to attack their master simultaneously with the enemy.

In the above extracts the author, developing the old *Arthaśāstra* view that attack on the enemy involves a political problem, discusses the degree of

external insecurity of a king caused by the evil condition of his subjects. Their disaffection we read, is a greater danger to the ruler than his own injustice and his calamity, their oppression is a greater source of his insecurity than their poverty and greed, while the king's injustice towards them is more risky than his weakness. Poverty, greed and disaffection of the subjects arising by a causal chain from the king's faults, we are further told, lead to his destruction by themselves or by the enemy. Finally, we read that the disaffection of the subjects is a greater danger to the king's security than their poverty or their greed.

It will be convenient to consider here Kauṭilya's discussion of the old *Arthaśāstra* problem of the policy of a weak king towards his powerful aggressor (above, p. 97). Rejecting alike Bhāradvāja's base advice of obsequious submission and Viśālāksha's rash advice of an all-out fight, the author (XII 1) asks the weak king to take refuge with a still more powerful ruler, or else seek shelter in an impregnable fort. The weak king, we are told, should adjust his policy of purchasing safety according as the aggressor belongs to one or other of the three types of conquerors, namely, the righteous, the greedy and the demoniac. Should any one of the above three types prepare nevertheless to attack him, he should meet the danger in one or other of three ways, namely, by treaty or by 'a battle of intrigue', or by an unrighteous fight. The methods of implementation of these three lines of policy are described by the author in great detail in the rest of the section. Beginning with the first the author (XII 1) tells us how the king should as a preliminary to suing for peace cause harm to the aggressor : he may seek to win over the aggressor's enemies by conciliation and bribery and his partisans by dissension and force : his secret agents may apply fire, sword and poison against the enemy's kingdom : he may cause the aggressor to be attacked on all sides : he may cause the aggressor's kingdom to be destroyed by foresters, or to be seized by a prince of his family or else his own son kept under restraint. After doing all this harm against his enemy or even without doing the same the king may sue for peace. When the peace is made (if need be by submission to the most onerous terms), the king should strive by guile to circumvent its clauses : should the aggressor exact surrender of troops, he may be given such elephants and horses as are disabled or as though able have been treated with poison, or else such troops as will destroy or harm him : should he demand surrender of money, he may be given such costly articles as would find no purchaser, or such common articles as would be useless for his fighting : should he demand land, he is to be given such land as can be easily recovered or is open to the enemy's attack, or is not protected by forts, or such as can be colonized only with great expenditure of men and money.

Describing the second line of policy, namely, 'the battle of intrigue', the author (XII 2-3) shows by concrete examples how the king should behave when his overtures for peace have failed. These refer to various methods of seducing the enemy's chief civil and military officers, assassinating the

enemy-king and his officers, instigating the neighbouring kings against him and destroying his stores, the ubiquitous agency of spies being employed for all the above purposes. The third and the last line of policy, namely, treacherous fighting, comprises (XII 4-5) the king's use of fire, sword and poison against the enemy's kingdom through his secret agents. Spies in the guise of vintners or of dealers in cooked food and meat, we are told, are to poison the enemy's military officers and men at camp : other spies are to poison the fodder for the enemy's elephants and horses, to let loose wild animals upon his men, or to set fire to his camp : still others are to make surprise attacks on the enemy's troops and kill him in the resulting confusion : they are to flood the rivers and tanks, and they are to destroy the enemy at his fortified refuge by fire or poisonous fumes. Other methods of treacherous fighting include burning down the wood and the grass, poisoning the water or letting out the same, digging false pits or underground tunnels in the enemy's land and attacking him at his disadvantage.

In the above passages the author, in contrast with the simple plans of his predecessors, gives a detailed account of the policy, marked throughout by treachery and violence, that a weak king should follow towards his enemy. The king, we are told, should obtain peace through preliminary acts of violence and he should then wriggle out of its onerous clauses by trickery and guile. In the alternative he should employ the arts of intrigue for the purpose of crippling the enemy's resources and destroying him, or else he should use the weapons of fire, sword and poison in a treacherous fight against the enemy.

We have seen above (p. 98) how the early *Arthaśāstra* thinkers discussed various problems relating to the sub-types of treaties (*sandhi*). These and similar problems are dealt with by Kauṭilya (VII 9–12), as a rule, with his superior political insight. Introducing his general discussion on this point the author (VII 9) observes that in the event of two kings joining together in an expedition, the acquisition of land is better than that of money and the latter is better than the acquisition of an ally : by gaining land, it is argued, one can gain both the ally and the money and by gaining money he can gain the ally. This leads the author to introduce his first classification of treaties as equal and unequal, the former having the same objective and the latter involving different objectives. To this the author adds with his usual good sense that any one of these objectives may be regarded as the best if it can procure the acquisition of one or other of the remaining two. Kauṭilya's criticism (VII 9–12) of the Teacher's comparative estimate of the different sub-types of treaties (above, p. 98) involves his appraisement of the political, military and economic advantages of their objectives from a different angle. Declaring against the Teacher that the ally helping with money is better than one helping with men and the ally helping with land is better than the former, Kauṭilya argues that one who has money can use it constantly and procure troops and other desirable objects therewith, and that one who has land can easily acquire both the money and the ally :

in the same chapter Kauṭilya, slightly modifying the Teacher's view, observes that deferred but large monetary gain is better than quick but small gain, provided that its return like that of crops from seeds is certain. Under the head of treaties for the acquisition of land, for the colonization of waste lands and for the construction of forts, irrigation-works and the like, Kauṭilya (VII 10–12) declares against the Teacher that poor land threatened with an impermanent enemy is better than rich land with a permanent enemy, that land which is rich in elephant-preserves is better than land which is rich in forests of economic products, that elephant-preserves with few but strong elephants are better than those with numerous but weak elephants, that mines with large but cheap yield are better than those with scanty but very precious output, that land-route is better than water-route and that the Southern land-route is better than the Himalayan : these views are supported by the author's counter-arguments into which it is not possible to enter here. We may however observe that Kauṭilya justifies his preference for the land-route to the water-route on the ground that the latter leads to 'closed movements', that it fails to produce an all-weather passage, that it is attended with great dangers and that it furnishes no remedy in case of obstruction.

The above extracts are important as indicating the author's view of the relative advantages of the threefold objective of treaty-relations between States. According to his view, land as a rule is a greater asset than money, and money again than the ally. This is based upon a frank recognition of the unique purchasing power of land on the one hand, and the mercenary nature of the foreign ally on the other. Going into detail, the author declares in direct opposition to the old *Arthaśāstra* thinker the test of a good pecuniary gain to be its large (though deferred) instead of quick but small yield, that of good land to be its security even attended with poverty instead of richness along with insecurity, that of a good forest to be its yield in elephants instead of economic products, that of a good mine to be the quantity of its output instead of its quality, and lastly, that of a good trade-route to be facility for a safe and all-weather passage in spite of its relatively high cost.

Let us consider in the light of the above analysis Kauṭilya's view of the goal of inter-State relations. In the chapter above quoted (VI 2) dealing with the State-system Kauṭilya explains his plan for the alignment of its constituent elements (*prakṛitis*) by the analogy of a wheel: within the sphere of the *prakṛitis*, he says, the Aggressor (literally, the leader) shall conceive the kings separated from him (i.e. his allies) as the circumference and those in between as the spokes and himself as the axle. In the next place the author (VI 1), after adjusting all types of foreign policy to the single objective of Progress as explained above, observes that the Aggressor being fixed in the sphere of the *prakṛitis* shall thus seek by the application of the six types to raise himself from a position of Decline to that of Equilibrium and thence to that of Progress. Elsewhere (IX 1) the author, while explaining the significance of the place-factor in relation to the policy of attack, defines the

Aggressor's sphere of influence: the whole territory, he says, extending north to south from the Himalayas to the Southern sea and stretching in the reverse direction for a distance of 1,000 *yojanas* is called the sphere of the world-ruler (*chakravartī*). Finally, we may refer to the extract (XIII 4) quoted above where the author explains his policy of acquisition of dominion to apply to a scheme of 'world-conquest' on a progressively diminishing scale. The above extracts involve what may be called a dynamic conception of the goal of inter-State relations. The Aggressor, we read, is to make himself the focal point of the State-system around which are to be grouped his enemies and his allies on a set pattern. Again we are told that the objective of foreign policy is progressive advance from a condition of Decline to that of Equilibrium and thence to that of Progress. Finally, the author interprets the goal in terms of a 'world-ruler' with the whole of the Indian sub-continent as his sphere of influence and of a 'world-conquest' involving a king's acquisition of dominion over his neighbours on a diminishing scale corresponding to his progressively limited foreign connexions.

THEORIES OF CLAN-REPUBLICS AND ASSOCIATED TYPES

We have already seen above (pp. 76–7) how an early Buddhist canonist discussed the problem of aristocratic clan-republics (*sañgha* and *gaṇa* in the political sense) in the context of its application to the most famous community of this type in his time. The theories of the *sañgha* are discussed more fully by Kauṭilya in the course of his statements of policy on this point. Before taking up this discussion we may consider the author's brief reference to another and a related State-type, namely, that of conjoint rule by the royal family (*kula*). Asking the king in one place (I 17), as an alternative to his leaving the succession to his eldest son, to make it over to his family, the author says that the family group (*kulasañgha*) is difficult to conquer, and not being liable to the fault of oppressing the subjects caused by the vices of single rulers, enjoys permanent rule. In another passage (VIII 3) the author observes that *sañghas* as well as the royal families partaking of their nature are particularly liable to dissension caused by their addiction to gambling. It follows from the above that the two-fold characteristic of the type of State above described is its strength (arising no doubt from the number of its rulers) and its permanence derived from the immunity of those rulers from the traditional vices of the single ruler, although it is admitted that this State-type is particularly liable to dissension because of the gambling habits of the rulers.

The most complete analysis of *sañghas* (comprising under this head both the political type and the military-cum-agricultural-and-trading type) is found in a separate chapter (XI 1) of Kauṭilya's work which deals with a king's policy towards the *sañghas* and their reciprocal policy towards himself. The author starts by saying that the acquisition of a *sañgha* is the best among a king's acquisitions of troops and allies, for the *sañghas* because of their tendency towards collective action are invincible against enemies.

Referring in the next place to a king's policy towards *sañghas* the author says that he should bring under control the well-disposed among them by means of conciliation and bribery and those who are the reverse by means of dissension and force. The author next proceeds, after distinguishing between the two types of *sañghas* above mentioned, to demonstrate by practical examples the application of the last-named double line of policy by the king against them. Spies, we are told, should foment in various ways mentioned by the author quarrels between different *sañghas*, between different executive officers (*mukhyas*) of the *sañgha*, between the loyal and disloyal elements of the population, between the high-born and the lowly among the same, between the executive officers of the *sañgha* and the people and so forth : in all these quarrels the king should support the inferior party with men and money and instigate it to attack the other party. The proud son of a chief officer of the *sañgha*, we are further told, may be won over by spies to the king's side by an appeal to his vanity, and he may then be helped by the king with men and money to attack the *sañgha*: 'when the king has won his object' his dupe may be banished. Spies may foment a quarrel between the chief executive officers of the *sañgha* over women, and 'when they have done their work' on one of these officers, the other may be charged with murder : or else a woman spy may cause one such officer to be assassinated by the male spies or poisoned by herself, and then she may cast the guilt upon the other officer. Conversely, concludes the author, the *sañghas* should thus guard themselves against the king and his machinations : the executive head of the *sañgha* in his behaviour towards this organisation should follow righteous ways, he should do good, he should win goodwill, he should restrain himself, and he should take the advice of all men. In the above long extract the author in the first place declares the *sañgha* to be the king's greatest political and military asset. This statement is justified by the argument that the *sañgha* by virtue of its collective organisation is proof against the enemy's attack. In the second place, however, the author somewhat inconsistently indicates (by his practical demonstration of the king's application of the policies of dissension and force against the recalcitrant *sañghas* as well as by his warning to the *sañghas* against the danger of the king's machinations) the characteristic weakness of these organisations, namely, their tendency towards disunion. The same defect of the clan-republics was noticed by the early Buddhist canonists in the passages referred to above (p. 147).[2]

SUPERNATURALISM AND RITUALISM OF KAUṬILYA'S STATECRAFT

To complete our survey of the tendencies and characteristics of Kauṭilya's statecraft, we have now to consider one of its aspects derived ultimately from the old Vedic tradition, namely, its supernaturalism and its ritualism. Among the qualifications of the king's domestic chaplain the author (I 9)

includes knowledge of astrology as well as omens and portents and the capacity for remedying human and providential calamities of the people by means of rites prescribed in the *Atharvaveda*. The measures of State-relief recommended by the author (IV 3) against the people's calamities include the worship of various deities and demons accompanied with the performance of propitiatory ceremonies by the priests and that of magical rites by those versed in the *Atharvaveda*. At the time of battle, according to the author (X 3), not only should the king utilise the services of astrologers and interpreters of omens, but he should also fast on the preceding day and perform sacrifices accompanied with the utterance of *Atharvaveda* texts, while the assistants of the king's chaplain should report to the king upon their practice of incantations against the enemy. These examples are sufficient to prove that even the greatest master of the technical science of polity shared the old belief in the influence of supernatural forces and of prayers and incantations upon Politics.

ATTITUDE TOWARDS RELIGION AND MORALITY

At the end of our survey of the leading tendencies and characteristics of Kauṭilya's political thought, let us consider an important principle arising therefrom, namely, his attitude towards religion and morality. In considering the first point we are struck with the blending in the author's mental make-up of the two opposite streams of his inheritance, namely, the theological (after the Brahmanical standards) and the political (after the *Arthaśāstra* pattern). We have seen how the author (I 3), while rehabilitating the *Vedas* in the traditional list of sciences, was led to emphasise the high importance of the *Smṛiti* scheme of duties of the castes and the orders as well as the king's obligation of enforcing the same. Following the Vedic tradition, the author again (I 9) asks the king to appoint a domestic chaplain and to follow his directions 'like a disciple following his preceptor, a son following his father and a servant his master'. The author again shows (I 10 & X 3) how the chaplain's services are to be utilised by the king for such varied work as recruitment of officials and the encouragement of troops in the battle-field. In the official hierarchy of Kauṭilya (V 3) the royal chaplain as well as the sacrificial priest and the preceptor occupies the first rank along with the Crown Prince, the Queen Mother, the Chief Queen and the Chief Minister. In Kauṭilya's scheme of State-planned colonization (II 1–4) provision is made for the settlement of Brāhmaṇas on revenue-free lands and for the creation of forest-retreats for Vedic study and the performance of Soma sacrifices in the rural areas as well as for the construction of temples for Brahmanical deities in the capital town. Following the *Smṛiti* authority the author further maintains the social and the legal privileges of the Brāhmaṇas as well as the disabilities of the Śūdras, the depressed classes and the heretics.

On the other hand the author inheriting the old *Arthaśāstra* tradition frequently recommends without the pretence of an apology the exploitation of religion for political ends. Among his nine classes of spies are included

(I 11) the false hermit, the false ascetic and the false mendicant, whose shameless methods of exploiting popular superstitions in the king's interest are explained by the author in detail. The agency of these spies as well as of others in the guise of sages (*siddhas*) is repeatedly employed by the author in the interest of the king's internal administration and foreign policy. In the king's financial emergency the superintendent of temples is asked (V 2) by means of concrete illustrations to exploit the popular superstitions for replenishing the royal treasury : what is more, even the Brahmanical temples are allowed to be plundered by the king's officers on flimsy pretexts. The secret tactics (*yoga*) employed by a weak king against his powerful assailant include (XII 5) assassination of the latter by the former's spies on the occasion of his making religious gifts or of joining religious processions : the same tactics are to be employed by a king seeking conquest of the enemy's village or town, for we are told (XIII 2) that the enemy-king is to be assassinated by spies artfully working upon his religious emotions or taking advantage of his visit to holy persons and shrines. We may sum up this discussion by saying that if Kauṭilya upholds in some lines of his policy the high authority of the Brahmanical canon, he allows himself in other directions under the dominant influence of the *Arthaśāstra* tradition to make religion the instrument of statecraft, or in other words to sacrifice Theology at the altar of Politics.

When we turn from the above to consider Kauṭilya's attitude towards morality, we find him speaking with two voices. On the one hand he applies, as we have seen, the standard of the twofold end of existence (Virtue and Wealth) to such various aspects of his principles and policies of government as the behaviour of a saintly king (I 7), a prince's training (I 17), and a king's expenditure on his civil list (V 3). In the second place Kauṭilya's thought indicates a strong reaction against the flagrantly immoral state-craft of some of his predecessors. It is interesting to observe that this is inspired as much by his higher moral standard as by his superior political insight. To take a few instances, we have seen how the author (I 17), while discussing the policy of the king's security against his sons, rejects Bhāradvāja's cynical advice to tempt them to sensual indulgence, and he justifies his criticism on the twofold ground that it would doom the prince to a living death and would involve the break-up of the royal family at the enemy's touch. Similarly while condemning Bhāradvāja's advice to the minister to usurp the throne by treachery and violence after his master's death, Kauṭilya argues (V 6) that this is sure to fill the subjects with disaffection, that it is unrighteous and that its success is uncertain. In a third passage (IV 11) the author, speaking of judicial punishments with and without torture, says that while the former are laid down in the works of the great sages, the application of the latter to slight offences should be regarded as righteous. Even in the highly complex sphere of inter-State relations Kauṭilya says in one place (VII 17) that a treaty based upon solemn affirmation (*satya*) or oath (*śapatha*) is immutable both in this world and in the next, while by

contrast a treaty supported by a security (*pratibhū*) or a pledge (*pratigraha*) is attended with advantage only in this world, and there again it depends for its strength upon the nature of the pledge or the security. Kauṭilya clinches his argument by stating how former truthful kings made treaties by solemn affirmation to that effect, and how in the event of their violation, they swore oaths invoking curses upon those who broke them.

The above extracts represent one aspect of the author's attitude towards morality. The other and the more important aspect is illustrated repeatedly in his further statements of policy in the branches of internal administration and inter-State relations. Thus as regards the policy of ensuring the king's security, Kauṭilya (I 11) says that those officials who are found out by the spies to be disaffected for some (just) reason are to be conciliated with riches and honours, but those disaffected for no reason as well as those harming the king's interest may be secretly put to death. Secondly the author (I 13), in concluding his account of a king's measures for guarding his subjects against the enemy's intrigues, observes that while the loyal subjects should be very much honoured, the disloyal ones should at first be treated with the arts of conciliation and dissension: if the latter still remain disaffected, they should be employed in the work of revenue-collection and of inflicting punishment, so as to incur the people's hatred and then they may be secretly put to death or thrown as victims to the popular fury: in the alternative they should be deported to work in the State mining factories and their wives and sons should be detained (as hostages). Thirdly, the author (I 17) dealing with the king's policy of security against his sons asks him to imprison or banish a prince without affection for his father: dealing conversely with the behaviour of a prince kept under duress, the author (I 18) observes that if the prince is forced to live by his own resources, he may take to certain trades or industries: in the alternative he may acquire the property of heretics, *saṅgha*-organisations, rich widows and temples by burglary and that of merchants by the application of poison: otherwise he may with his followers (all in disguise) enter the palace through a loophole and strike at the king with weapons and poison: he may then claim his share of the kingdom and try to seduce his father's ministers from their allegiance by holding out the offer of double pay and allowances. In the fourth place the author (IV 4–5), dealing with the king's policy towards thirteen specified types of persons who are said to live by underhand means for the oppression of the people, recommends a number of characteristic measures for their suppression. These persons, we are told, are to be induced in various specified ways to commit crimes by spies acting as *agent-provocateurs*, and then they may be punished by banishment or by fine in lieu thereof: thieves and adulterers are to be tempted to commit crimes by spies pretending to possess the knowledge of secret charms, and then they may be placed under arrest: the spies may also instigate attack on rich caravans, cow-pens and villages by thievish foresters, who may thereafter be killed by troops secretly posted for the purpose, or else they may be

arrested and poisoned by the secret agents when they are asleep or intoxicated. Fifthly, the author (v 1) while describing the measures for suppression of enemies of the State, demonstrates the methods of secret diplomacy to be employed by the king for this purpose. The righteous-minded king, we are told, may secretly put to death those courtiers (*vallabha*) and confederated chief officers (*mukhyas*) who are injuring the interest of the kingdom, and who though deserving death cannot be put down openly : the brother or the son of the offender may be instigated by the spies to kill him, or else the spies in the guise of physicians and cooks may poison him : in the alternative, the offender may be sent on a military expedition with insufficient forces and killed by the spies, or else he may be put to death on a trumped-up charge of attempted murder of the king or adultery with his Queen. Thus shall the State, the author sums up, be safe from all dangers arising from (evil) men and shall devolve upon the king's sons and grandsons. Sixthly and lastly, the author (v 6) shows how the minister in the crisis caused by his master's fatal illness and death should cope with the disloyal and dangerous elements threatening the newly installed king. He shall, we are told, extirpate the thorns in the side of the kingdom in the fashion explained by the author in an earlier chapter : should any one of the chief officers or vassal chiefs show disaffection, he is to be lured with promise of the throne and then put to death. Thus shall the minister, concludes the author, provide for 'sole sovereignty' in the kingdom.

In so far as the king's financial policy in an emergency is concerned we have seen how the author (v 2) besides recommending a single levy of benevolences upon different classes of subjects, suggests various methods of replenishing the royal treasury by force and fraud. What is more, he advocates confiscation of the properties of enemies of the State as well as sinners by the shameless use of unscrupulous diplomacy. As regards the king's policy towards the *sañgha*-organisations, we have seen how Kauṭilya advocates the use of poison and the dagger against the executive officers of the hostiles through the agency of spies : the author sums up the objective of this policy by saying that the king shall thus reign as sole ruler of the *sañghas*.

It is in the branch of inter-State relations that the second aspect of Kauṭilya's attitude towards morality in relation to statecraft is exhibited in all its nakedness. When the king, we are told in one place (x 3), has strong forces and has directed his intrigues against the enemy, when he has made himself sure of the opportune time for attack, and when he is on favourable ground, he may resort to honourable (lit. 'open') fighting, but otherwise he should fight treacherously. This is followed by the author's illustrations of the latter type of fight in the form of attacking the enemy at his disadvantage in various ways. It is, however, remarkable that the author concludes by observing that an honourable fight in contrast with the above takes place at a determinate time and place and as such is righteous. In the second place the author (XII 1–4), while explaining the policy of a

weak king towards his powerful enemy, recommends, as stated above, a threefold line of action, namely, that of peace preceded and followed by treachery and violence, 'the battle of intrigue' and treacherous fighting. Thirdly, the author (XIII 1–4), describing the methods of a king's capturing a fortress which should serve as a pattern for his 'world-conquest' after the specified standards, advocates as explained above a fivefold programme marked by the employment of treachery and violence on the widest scale: Fourthly and lastly, Kauṭilya devotes a whole section of his work (IV 1–4) to the employment of secret weapons. Here the author, after showing how the king's spies should apply poison, fire and the sword against the enemy and his belongings, gives a long and curious list of vegetable, mineral as well as organic preparations causing instantaneous or widespread death, blindness, deafness and dumbness, madness and other diseases as well as those causing the poisoning of fodder, fuel and water. This is followed by a fresh list of medicinal preparations and charms for producing such extra-ordinary effects as the capacity to undergo a month-long fast, to change colour, to ensure immunity against fire, to walk over long distances, to see things in the dark, to make oneself invisible and to plunge people in slumber. The above weapons are to be employed not only for offensive but also for defensive purposes. Introducing the whole section the author observes (XIV 1) that the king should apply the secret weapons against sinful persons for the purpose of protection of the four castes. The king, we are told in a later passage (XIV 2), shall cause affliction to the enemy by the exhibition of untoward, wondrous and inauspicious sights so as to produce anarchy in his kingdom: such an act, though deserving censure, may be equally employed by the king and his enemy at a time of upheaval.

Summing up the above discussion, we may observe that Kauṭilya in some ways upheld in contrast with the older masters the application of ethical principles to statecraft. The other and the more important aspect of Kauṭilya's thought, which deals specially with the policy towards the highly disaffected and dangerous elements of the kingdom as well as the enemy outside, involves on the contrary the flagrant violation of morality for political ends. The author, while sometimes acknowledging tacitly or expressly the immorality of this line of statecraft, justifies it by the plea of the king's interest as well as the interest of the ruling dynasty. It therefore follows that while the author sought in minor ways to bridge the gulf that separated Politics from Ethics in the thought of his radical predecessors, he helped otherwise to perpetuate this separation. Not without reason did the judgement of posterity fix upon Kauṭilya the stigma of being the symbol of a thoroughly unscrupulous, if highly successful, statecraft.

KAUṬILYA AND MACHIAVELLI

If in the light of the above survey we consider the oft-repeated parallel between Kauṭilya and Machiavelli,[3] our answer must indicate some remarkable coincidences as well as contrasts. While Machiavelli

occupies as the first modern political philosopher a unique position in European history, Kauṭilya was preceded in Ancient India by a long line of individual authors and schools who may justly claim to have introduced a number of modernist political ideas into the stock of our ancient thought. Between the range of subjects covered by the *Principe*, the *Discorsi*, the *Istoriae*, and the *Arte della Guerre* on the one hand and those treated in Kauṭilya's *Arthaśāstra* on the other, it is true, we may trace a general resemblance : but the conception of a single branch of knowledge comprising all these topics such as is associated with the line of Indian thinkers ending with Kauṭilya is not shared by the Italian. On the other hand the empirical method of Machiavelli, supported as it is by frequent references to the history of classical antiquity, has its parallel in the empiricism of Kauṭilya which is fortified by his occasional references to Indian traditional history. For if Machiavelli, as has been well observed, applies history to point a moral which has been already set forth and adorn a tale which has been already told, the same judgement may likewise be applied to Kauṭilya.[4] We may also draw a distant parallel between the heads of the discussion principally followed by Machiavelli in his *Principe*, namely, the preservation and increase of dominion, and those involved in Kauṭilya's definition of *Arthaśāstra* and implicitly followed by him in his work, namely its acquisition and preservation. But the detailed account of the organisation and working of the State-administration which constitutes such a prominent feature of Kauṭilya's work is wanting in Machiavelli. In the last place a general resemblance may be traced between the rules and principles of Machiavelli's statecraft and those of Kauṭilya : in both we find mingled with sympathy for the feelings and sentiments of the subjects a tendency to apply the weapons of force and fraud in the interest of the State. Nevertheless while Machiavelli singles out the class of aristocrats as the object of his ruthless policy, their place in Kauṭilya is taken by anti-social elements of the population and the clandestine public enemies and enemies of the State as well as the enemy outside. A more fundamental difference may be observed between the objectives of the two sets of policies. In Machiavelli there lay behind all his thought the urge of a burning patriotism which sought passionately for the deliverance of his unhappy motherland, and the picture of Italy that he draws in the closing chapter of the *Prince* is one of the most moving on record. The aim of Kauṭilya's statecraft, by contrast, was much more limited and selfish, for it consisted in ensuring the security and stability of the king's rule inside the kingdom and its progressive advance towards the goal of universal dominion outside the same.

INFLUENCE OF KAUṬILYA

Let us conclude this chapter with an estimate of the influence exercised by Kauṭilya in moulding the development of subsequent political thought. We have elsewhere endeavoured to show what in our opinion forms the inestimable service of Kauṭilya, namely, that he carried out in the shape

of a summary of the older literature on the subject a virtual reconstruction of the science of polity. From this standpoint we may trace his subsequent influence in four directions. In the first place he appears to have tackled a number of old *Arthaśāstra* problems with such clarity of vision and soundness of judgement that his solutions became thereafter the commonplace of all our ancient technical as well as non-technical literature on the subject. To this category belong his estimate of the four traditional sciences (I 2) as well as the six traditional types of foreign policy (VIII 1), the technique of application of the king's coercive authority, the order of importance of the seven constituents of the State (VIII 1), and the comparative evil of the two sets of the king's traditional vices (VIII 3). In the second place we have reason to believe that Kauṭilya's masterly exposition of the *Arthaśāstra* exercised a profound influence upon the later writers. Not only is this influence traceable (as will be shown in later chapters) in the works of classical Sanskrit as well as of Buddhist and Jaina literature, but direct quotations and paraphrases are freely made from his work by writers in such different branches of learning as the Sacred Law (*Smṛiti*), belles-lettres (*kāvya*), lexicography (*kośa*) and philosophy (*darśana*).[5] In the third place Kauṭilya became to a group of later writers the symbol of a new science of polity which was condemned by some for its cruelty or prolixity, but was accepted by others as the avowed source of their inspiration.[6] Fourthly and lastly, it would appear that Kauṭilya exercised upon his immediate successors an indirect influence which was not less profound than his direct influence above-mentioned. We have seen how Kauṭilya in contrast with some of his radical predecessors based his fundamental ideas of society and the State upon the *Smṛiti* pattern, thus helping to rehabilitate the science of *Arthaśāstra* in the eyes of the Brāhmaṇa canonists. It is tempting to suggest that he thus contributed not only to the remarkable conception of the superlative merit of *rājadharma* in the *Mahābhārata*, but also to that wholesale incorporation of the *Arthaśāstra* material into the old *Smṛiti* tradition which constitutes one of the most distinctive characteristics of the political thought of Manu and Yājñavalkya as well as of Bhīshma in the Great Epic.

CHAPTER SEVEN
NOTES

[1] The above follows the reading *utsāhavataḥ* (accusative) of T. Ganapati Sastri's edition after Mādhavayajvan's commentary, in place of *utsāhavantaḥ* (nominative) of R. Shamasastry's as well as J. Jolly and R. Schmidt's editions.

[2] The double aspect of Kauṭilya's attitude towards *sañghas* noticed above is missed by Dr R. C. Majumdar when he takes (Chap. XVI, p. 334 of *The Age of Imperial Unity*) the *Arthaśāstra* author in contrast with the author of *Mahābhārata* XII 107 to represent a school favouring a strong monarchy through the complete destruction of the republican States.

[3] The parallel between Kauṭilya and Machiavelli is drawn among others by G. B. Bottazzi and A. Hillebrandt, the former calling him (*Precursori di Nicolo Machiavelli in India ed in Grecia, Kauṭilya ed Tucidide*, p. 21) 'il Machiavelli dell' India', and the latter similarly styling him (*Altindische Politik*, p. 36) 'der indischer Machiavelli'.

[4] This point is overlooked by Prof. Winternitz when he traces (*Geschichte der indischen Litteratur*, Dritter Band, p. 524) a fundamental difference between the two on the ground that Machiavelli unlike Kauṭilya was, above all, a historian who worked out his method from the teachings of history.

[5] Quotations from Kauṭilya more or less in his own words are found in the *Pañchatantra* and the *Tantrākhyāikā*, in Medhātithi's commentary on Manu, in Mallinātha's commentaries on Kālidāsa's *Raghuvaṁśam* and *Kumārasambhavam*, in Kshīrasvāmin's and Sarvānanda's commentaries on Amara's lexicon and in Hemachandra's *Abhidhānachintāmaṇi*.

[6] To the former group belongs the author of the Jaina *Nandisūtras* who includes (ibid. 391) Kauṭilya's work in a list of false sciences, as well as Bāṇa, the celebrated author of the *Kādambarī* who brands (ibid. pp. 177–8, M. R. Kale's edition) Kauṭilya's statecraft with ignominy on the ground of its cruelty and connects its followers with the creed of deceit, treachery and murder. The latter group includes the author of the *Kāmandakīya Nītisāra*, not to speak of others who include Kauṭilya in the list of 'makers of the kingly science'.

CHAPTER VIII

THE BRAHMANICAL WORKS ON SACRED LAW— II THE *SMṚITIS* OF MANU AND YĀJÑAVALKYA

INTRODUCTORY

In the historical development of our ancient civilisation the two great works on Brahmanical Sacred Law (namely, the *Smṛitis* of Manu and Yājñavalkya) as well as the *Mahābhārata* ('the Great Epic'), forming the subject-matter of the present and the following five chapters, occupy a position of exceptional significance. In truth the period of five centuries (c. 200 B.C. -300 A.D.) or thereabouts to which it is usual to assign these works marks a crisis as well as a turning-point in our ancient history. In the political sphere the break-up of the Maurya Empire after a century and a half of brilliant existence was followed by a series of foreign invasions which succeeded in bringing large portions of Northern and Western India under alien rule. The tide of barbarian conquest, however, was stemmed and to a certain extent turned by the rise of new and powerful dynasties like the Śuṅgas and the Bhāraśivas in Northern, the Chetas in Eastern, and the Sātavāhanas in Western India. In the branch of social life the mass settlements of foreigners with their alien social and cultural standards, following in the wake of the foreign invaders, threatened to disrupt the indigenous society. But the problem was solved by the rapidity and completeness with which the foreigners were absorbed in the Indian social system. In the sphere of religion, Buddhism, thanks to the Imperial propaganda of Aśoka and the religious zeal of missionaries, not only entrenched itself in the Indian soil, but was well on its way to becoming a world-religion, while Jainism entered on its career of becoming an all-India cult. In the face of this challenge Brahmanism girt itself up by a tremendous intellectual effort for a new lease of life. For while the entire body of its social and religious laws was developed and systematised in the *Smṛiti* works of Manu and Yājñavalkya, its extensive cycle of traditions, myths and legends, together with its whole code of individual and social ethics, was woven into the texture of the original epic tale of the Kauravas and the Pāṇḍavas in the *Mahābhārata*. It thus prepared itself for the triumph which was to be its reward in the following period, the age of the Imperial Guptas.[1]

We have referred above to the extensive development of the Brahmanical social and religious systems in the works of Manu and Yājñavalkya. These developments are accompanied by important changes in the outward form of the works concerned as compared with the early *Smṛitis*. With them begins the class of metrical *Smṛitis* in the place of the aphoristic (or mostly

aphoristic) *Dharmasūtras*. Secondly, while the *Dharmasūtras* are essentially associated with the early Vedic schools in the form of short manuals for the guidance of their members, the works of Manu and Yājñavalkya are attributed to well-known sages and seers of the old Vedic tradition, and they partake of the nature of complete Institutes (*Saṁhitās*) claiming to lay down the law for all classes and sections of the Aryan community.[2]

The political ideas of Manu and Yājñavalkya are dominated by the influence of their two-fold inheritance, namely, that of the early Brahmanical *Smṛitis* and the technical *Arthaśāstra*. We may illustrate this point in the first place by our authors' development of the old *Smṛiti* theory of the social order as well as of State law and justice, that of the authority and obligation of kingship (with a remarkably dogmatic interpretation of the former principle), that of the *Smṛiti* doctrine of the two powers, and lastly, that of the *Smṛiti* theory of Brahmanical immunities and privileges. The authors' attitude is equally well illustrated in the second place by their development of the *Arthaśāstra* ideas of the authority of the king's executive edict and his function of punishment, and those of the principles and policies of government in the branches of public security and inter-State relations. In the third place we find that in Manu's and Yājñavalkya's attitude towards war the old *Smṛiti* and *Arthaśāstra* ideas are repeated side by side, while Manu's goal of foreign policy seems to involve a conscious modification of the dynamic programme of Kauṭilya in the light of the static standards of the *Smṛiti* social order.

IDEAS OF SOCIAL ORDER

Manu's ideas of social order follow the lines laid down in the *Dharmasūtras* (above, pp. 42ff.). For the prosperity of the world, we are told (I 31), the Lord created the Brāhmaṇa, the Kshatriya, the Vaiśya and the Śūdra from His mouth, arms, thighs, and feet respectively: in a second extract (I 87–91) the author tells us how the Supreme Being assigned their distinctive duties and occupations to the four castes that sprang from His mouth, arms, thighs, and feet respectively, namely, the Brāhmaṇas, the Kshatriyas, the Vaiśyas and the Śūdras: in a third extract (X 75–9) the author, while describing the occupations of the castes, points out that the Patriarch Manu has forbidden to the Kshatriya and the Vaiśya certain occupations that are reserved for the Brāhmaṇas. The above extracts evidently repeat the Vedic doctrine of Divine creation of the social classes in graded sequence, as well as that of ordination of their distinctive functions by the Divine will. To the above Manu adds an important principle, namely, that of integration of the social units towards the Divine purpose of universal welfare, which probably marks, though likewise in a dogmatic garb, a closer approach to the idea of organic unity of society than was attained by the older thinkers.

Besides developing on the old *Smṛiti* lines the Vedic dogma of Divine creation of society, Manu repeats and amplifies on a number of points the

early *Smṛiti* view of the law (*dharma*) of the social order. In the first place the twofold sanction of this law is found by him as by the earlier authors in the political authority of the temporal ruler and the law of *karma* applying to the individual units. The king's power, we read (VIII 172), grows and he prospers in this world and in the next when he prevents the confusion of castes : the king is asked in particular (VIII 418) to compel the Vaiśyas and the Śūdras to perform their prescribed duties, for otherwise they would throw the whole world into confusion : when the creatures dispersed through fear of sin in all directions, so runs the reading of another verse (VII 3) of Manu after the commentator Medhātithi and its interpretation by Mitramiśra (*Rājanītiprakāśa*, p. 16), the Lord created the king as 'the seer' (i.e., the propagator) of the law : again we are told (II 5) that he who discharges his duties in the right manner reaches the deathless state and even in this life attains the fulfilment of all his desires. In the second place Manu (II 6) expanding a text of Gautama (I 1–2) observes that the entire *Veda* is the source of *dharma*, while other sources consist of the traditions and virtuous conduct of those learned in the *Veda*, the customs of good men and self-satisfaction : the *Veda*, the traditions (*Smṛiti*), the customs of good men and self-satisfaction, we are told in a second extract (I 12) amplifying Vasishṭha (I 4–5), are the four indications of *dharma* : the sources of *dharma*, says Yājñavalkya (I 7), are the *Vedas* (*Śruti*), the traditions (*Smṛiti*), the customs of good men, self-satisfaction, and the desire arising from right resolve. In the above extracts the authors evidently add to the early *Smṛiti* list of the three objective sources of *dharma* one or two subjective items relating to the individual conscience.

Among the sources of *dharma* above mentioned, the Sacred Canon as before holds the highest place. As Manu (II 10, 13) says, the *Veda* is the embodiment of all knowledge, and it is the highest authority for those seeking the knowledge of *dharma*: the *Veda* and the *Smṛiti*, he observes in a second extract (II 10–11), must not be criticised in any matter, 'since from these two, *dharma* shone forth' : a man of the upper classes who disregards these two sources of *dharma* under the influence of the science of dialectics (*hetuśāstra*) should be cast out by good men as an atheist and a condemner of the *Veda*. These extracts introduce us to a new doctrine matched by a late text of *Vishṇu Smṛiti* (above, p. 44), namely, that of the infallibility of the Sacred Canon which it is sought to enforce by a social ban against transgressors. As regards the third source, Manu (I 108–10) says partly after Vaśishṭha (VI 6–8) that custom (*āchāra*), whether it is declared in the *Veda* or in the *Smṛiti*, is transcendental *dharma*, and that the sages who saw that the Sacred Law is thus founded upon custom have taken good custom to be the source of all austerities.[3] This involves the principle of the canonical basis of authoritative custom. Following the older precedent Manu (II 18–22 ; IV 178) further mentions the practices of approved geographical regions (namely, in a descending order the land created by the gods, the land of the Brahmanical sages, 'the Middle Region,' and 'the land of the Āryas') as

well as those of good men ('the path of holy men which was trodden by one's fathers and grandfathers') as fixing the standard of custom.

While the above extracts repeat the dogmatic aspect of the early *Smṛiti* principle of the law of the social order, its rational aspect is reproduced and developed by the author in other passages. Thus in the first place Manu (x 81–117) as well as Yājñavalkya (III 35–42) amplifies the older rules relating to the duties of the three upper classes in times of distress (*āpaddharma*). This evidently repeats the early *Smṛiti* doctrine of the relativity of law, so as to involve its conscious modification in the interest of the individual's fundamental need of self-preservation. A new development of this doctrine is found in a second extract (I 85–6) of Manu which mentions the different standards of *dharma* in the successive Age-cycles. The *dharmas*, we are told, are different in the *Kṛita*, *Tretā*, *Dvāpara* and *Kali* Ages according to the diminishing duration of the Ages: austerities are the chief *dharma* in the *Kṛita* Age, knowledge is such in the *Tretā*, sacrifices are so in the *Dvāpara*, and gift alone is such in the *Kali* Age. The above passages introduce us to the doctrine of distinctive standards of *dharma* (*yugadharma*) for the different Age-cycles, obviously in response to the changing Time-spirit. In the second place, Manu (XII 108–13) observes, where the *dharmas* have not been explained, the opinion of the Brāhmaṇas who are cultured persons (*śishṭas*) is to be accepted unhesitatingly as *dharma*: what the Council (*parishat*) consisting of at least ten members or at least three members (with the specified qualifications) or even one Brāhmaṇa learned in the *Veda*, declares to be the *dharma*, must not be disputed, but on the contrary must be accepted as the highest *dharma*. What is declared by a Council (*parishat*) of three or four Brāhmaṇas versed in *dharma* or even by one supremely learned Brāhmaṇa, Yājñavalkya (I 10) similarly observes, is *dharma*. These extracts combine two *Smṛiti* principles relating to the influence of the learned upon the law (above, pp. 46–7) so as to make the opinion of the Council of the learned (and in default that of a single learned Brāhmaṇa) the supplementary source as well as the criterion of the law. Thirdly and lastly, Manu (IV 176) says that while one should shun Wealth (*artha*) and Pleasure (*kāma*) that are opposed to Virtue (*dharma*), he should give up even (what is enjoined as) *dharma* if this is attended with unhappiness in the future and is hated by the people. Similarly according to Yājñavalkya (I 156) one should assiduously practise *dharma* in mind and body, but not that which though in accordance with *dharma* is not conducive to heaven and is hateful to the people. In the above extracts the authors, developing a principle laid down in a late text of Vishnu (above, pp. 47–8), observe that canonical injunctions are invalidated by reason of their patent sinfulness as well as conflict with public opinion. How the above principles, namely, those of varying standards of *dharma* for the different Age-cycles as well as the criteria of learned opinion and public approval were combined by the later Brāhmaṇa canonists into the celebrated doctrine of practices forbidden in the *Kali* Age (*kalivarjya*) will be told in later chapters.

IDEAS OF STATE LAW AND JUSTICE—AUTHORITY OF THE KING AS A SOURCE OF LAW

Manu's view of the sources of State law repeats that of the early *Smṛitis* (above, p. 48). The king, we read (VIII 3), shall daily examine the suits of litigants falling under the eighteen titles of law in accordance with the principles derived from regional usage (*deśadṛishṭa*) and from the Sacred Canon (*śāstradṛishṭa*): the righteous king, we read elsewhere (VIII 41), shall enquire into the usages (*dharmas*) of regions and castes (or according to another interpretation the regional *dharmas* applicable to each caste) as well as those of guilds (*śreṇī*) and families (*kula*), and he shall then settle the distinctive usage (*dharma*) of each group: the king, we are told in a third extract (VIII 46), shall establish as law what may have been practised by good men as well as the virtuous twice-born classes, provided that this is not opposed to the usages of regions, families and subcastes.[4] The above extracts stamp the Sacred Canon and custom as the joint source of State law, the latter being taken as before in a wide sense so as to embrace the usages of local, social and economic groups. As regards the modes of judicial decision the king is asked by Manu (VIII 24–6) daily to examine the suits of litigants by applying the lessons of Virtue (*dharma*) and Wealth (*artha*) as well as their opposites, and to discover the internal disposition of men by external signs: the king, we are further told (VIII 44–5), should discover the right path by inference as a hunter discovers the lair of a wounded deer by drops of blood, and he should pay full attention to the witnesses, to the time and place and to such other factors. These extracts implicitly recognise the early *Smṛiti* principle that justice administered at the king's court involves the application of human reason to the sources of State law.

In contrast with Manu, Yājñavalkya appears to base his view of the sources of State law and their application exclusively upon the *Arthaśāstra* tradition as represented by Kauṭilya (above, p. 113). This is in keeping with the parallelism between the clauses of the civil and the criminal law in the thought of Kauṭilya and Yājñavalkya, to which reference has been made above. When there is a conflict between two *Smṛitis*, Yājñavalkya says in a celebrated passage (II 21), reasoning (*nyāya*) based upon usage (*vyavahāra*) shall prevail, but the authority of *Dharmaśāstra* is superior to that of *Arthaśāstra* in the event of their conflict.[5] The above extract is important for two reasons. In the first place, it recognises for the first time in the history of our *Smṛiti* literature the principle that *Dharmaśāstra* and *Arthaśāstra* are the two sources of State law. With this we may compare the passage in Kauṭilya (III 1) quoted above, which includes *dharma* and *vyavahāra* or *vyavahārika-śāstra* (*Arthaśāstra* ?) among the authorities on this branch of law. We may match this development in Yājñavalkya's thought with the parallel development in the thought of *Mahābhārata* XII, which virtually makes out the canon and *Arthaśāstra* (or *daṇḍanīti*) to be the joint authority for *rājadharma* (below, Chapter X). In the second place Yājñavalkya's text involves two rules of interpretation in case of conflict

of laws. These rules relate firstly, to the application of reasoning based upon usage in the case of conflict between two *Smṛitis*, and secondly, to the application of *Dharmaśāstra* in the place of *Arthaśāstra* in the event of conflict between these two sources. The first dictum is anticipated in part by that of the obscure Gobhila-*Smṛiti* (III 140–49), but is at variance with the views of such high authorities as Gautama (I 6) and Manu (II 14), who allow in this case the rule of option. On the other hand it agrees with the spirit of Kauṭilya's dictum (III 1) quoted above (p. 114) to the effect that reasoning founded upon the law is the authority in the case of its conflict with the canon (*Dharmaśāstra*). The second dictum seems more clearly and definitely to agree with Kauṭilya's rule, just quoted, which requires the king to give his decision in accordance with the canon when this is in conflict with the current (*Arthaśāstra* ?) law.

Let us now turn to another important principle which is introduced by Manu and Yājñavalkya into the *Smṛiti* literature probably after the pattern of Kauṭilya's *Arthaśāstra*. This is concerned with the question of the king's quasi-legislative authority. Expanding his view of the king's divine creation to be explained fully hereafter, Manu (VII 13) says that one should not transgress the righteous edict (*dharma*) which the king decrees in respect of his favourites, nor that which inflicts pain upon his enemies : in a second extract (IX 275) the author prescribes capital punishment for those who persevere in opposing the king's commands. Under the head of law called 'Violation of Agreement', Yājñavalkya (II 186) observes that the king-made edict (*dharma*) must be carefully obeyed. In the above extracts, the king's executive edict is held to be invested with the force of law. This dictum, however, is subject to the limitations imposed upon the king's authority by the early *Smṛitis* which are followed by our authors. Thus in the first place the fundamental *Smṛiti* conception of *rājadharma* implies that the king is subject to the canonical law of his order which is itself part and parcel of the law of the entire social system. Further, in the passage (II 186) from which we have quoted above Yājñavalkya explicitly observes that the king-made edict should be obeyed, provided that it is not in conflict with one's own duty (*dharma*). Again, both Manu (VIII 38–40 ; IX 189 ; ibid. 243–5) and Yājñavalkya (II 34–6) repeat the early *Smṛiti* clause of the State law requiring the king to restore stolen property to its owner, as well as those restricting his property-rights in various ways. What is more, Manu and Yājñavalkya introduce new penal clauses into the old *Smriti* law recalling those of Kauṭilya (above, p. 118), which make the king liable to exceptionally heavy fines for his offences. Where an ordinary man, says Manu (VIII 336), would be fined one (copper or silver) coin, the king should be fined one thousand : when the king, says Yājñavalkya (II 307), unjustly levies a fine, he should multiply it thirty-fold and make it over to the Brāhmaṇas after offering it to God Varuṇa. The above extracts are important for two reasons. In the first place they imply implicitly or explicitly or both that the legal validity of the king's edict is contingent upon its compliance with the fundamental

law of the social order. Secondly, they mean that the scope of the king's edict is limited by the rules of the State law in the branch of his internal administration.

AUTHORITY AND OBLIGATION OF THE TEMPORAL RULER

Manu's theory of kingship involves a remarkable development of the two complementary principles of the old *Smṛitis*, (above, pp. 49ff.) namely, those of the king's authority and his obligation with a decided tendency in favour of the former. The author bases his view of the authority of the temporal ruler upon a characteristically dogmatic interpretation of the older theories of the king's origin, office and functions. When the people being without a king, we read in the first and the most famous extract (VII 3–13), dispersed through fear in all directions, the Lord (of creatures) created the king for the protection of this whole (creation) : He took for this purpose the eternal particles of Indra, the Wind-god, Yama, the Sun, the Fire-god, Varuṇa, the Moon, and Kubera : since the king was created out of the particles of these gods, he surpasses all created beings in lustre : like the Sun he burns eyes and hearts and no one on earth can gaze on him : through his might he is Fire and Wind, he the Sun and the Moon, Yama, Kubera, Varuṇa and Indra. For the fulfilment of *dharma*, we are further told, the king assumes again and again many forms according to the requirements of his purpose and power and the conditions of time and place : fortune resides in his favour, victory in his prowess and death in his anger, for he is created out of the lustre of all the gods. From the above view of the origin of kingship follows as a corollary the author's idea of the political obligation of the subjects towards their ruler. Even an infant king, we are told, must not be despised from an idea that he is a mere mortal, for he is a great deity in human form : fire burns down one man, but the fire of the king's wrath consumes his whole family together with his possessions. The author concludes by solemnly warning the subjects, as stated above, against transgressing the righteous edict (*dharma*) which the king decrees with respect to his favourites, and that which he inflicts upon his enemies.

We may next mention two short extracts repeating with evident crudeness some of the ideas set forth above. In the first place the king is included (IV 135–6) with a snake and a learned Brāhmaṇa in the list of those who should not be despised, be they never so feeble : should these be treated with disrespect, it is argued, they would completely destroy the offender. The Lord of creatures, we are told elsewhere (IX 327), having created the Vaiśya, bestowed upon him the domestic animals 'just as He bestowed all people upon the Brāhmaṇas and the king'.

In a fresh extract (V 93–7) Manu, justifying after the old *Smṛitis* the king's prerogative of immediate exemption from ceremonial impurity, repeats the view of an authority (Yama, quoted on p. 51). Kings, we read, occupy the position of Indra and are like Brahman free from all taint : the king becomes immediately pure because he occupies the seat of authority, and the reason

thereof is that he is seated there for the protection of his subjects. The king is an incarnation of eight guardians of the quarters, and he is free from purity and impurity since he is pervaded by those deities.

The next extract (IX 301–11) begins with a magnificently exaggerated estimate of the *quantum* of the king's influence upon the Time-spirit. The *Kṛita*, the *Tretā*, the *Dvāpara* and the *Kali* Ages, we are told, reflect the king's behaviour, and (therefore) the king is synonymous with the Age-Cycle : the king it is explained in the words though not in the sense of an old Vedic text (*Aitareya Brāhmaṇa* VII 15), is the *Kali* Age when he sleeps, *Dvāpara* when he rises from sleep, *Tretā* when he exerts himself, and *Kṛita* when he moves. The author concludes with an equally exaggerated account of the king's functions. The king, we read, should adopt the energetic behaviour (*tejovṛittam*) of eight deities : he is to shower benefits upon his kingdom as Indra showers rain ('his Indra-function') ; he is to collect taxes as the Sun extracts water with His rays ('his Sun-function') ; he is to penetrate everywhere through his spies as wind moves about everywhere ('his Wind-function') ; he is to control his subjects as Yama brings all under subjection at the proper time ('his Yama-function') ; he is to punish the wicked as Varuṇa binds sinners with his rope ('his Varuṇa-function') ; he is to gladden his subjects as the full Moon gladdens men ('his Moon-function') ; he is to visit criminals with his anger and destroy wicked vassals as Fire burns all ('his Fire-function') ; he is to support all his subjects as the Earth supports all created beings ('his Earth-function').

In the above the first and the most important extract gives us the author's complete theory of the authority of the temporal ruler and the obligation of the subjects towards him. This is based upon the author's striking conception of the king's Divine creation shared by him with the theorist in *Mahābhārata* (Book XII 59 ; 67). Tracing the history of man back to the primitive evil State of Nature, the author tells us how the king was consequently created by the High Deity out of the essences of eight lesser deities (the so-called 'guardians of the quarters'). This multi-divine personality had the result of investing the king with a superhuman majesty transcending all creatures, a multiple form suited for the varied requirements of his office and an irresistible force capable of crushing all opponents. From the above doctrines follows the subjects' duty of obeying their ruler. The principle of the king's irresistible force is repeated in the second extract by way of justifying the subjects' duty of obedience, just as the third extract repeats the principle of the king's rule by divine ordination. The fourth extract reproduces the above doctrine of the king's multiple divinity to which is prefixed the author's conception of the king's office as the symbol of the office of the divine ruler. In the fifth extract the author lays down two principles destined to be developed still further in Bhīshma's thought in the *Mahābhārata*. These are, firstly, the conception of the king as the maker of his epoch in accordance with the degree of his application to his duties, and secondly, that of parallelism of the king's functions to those of eight

deities. Summing up the above, we may say that the author's conception of the authority of the temporal ruler and the resulting obligation of the subjects is derived from the conjoint principle of the king's Divine creation and endowment with a superhuman personality, the quasi-divine significance of his office, and the greatness of his functions which in their quality leave their stamp upon his epoch and in their quantity are comparable to those of the gods.

The complementary principle of the king's obligation is developed by Manu along the three lines hinted at or indicated in the early *Smṛitis*, namely, the divine, the ethico-religious and the quasi-contractual, the first taking characteristically enough the foremost place in our author's thought. Repeating in the first place the old Vedic dogma of creation of the four castes out of different limbs of the Creator's body, Manu (I 89) declares that He assigned to the Kshatriya the occupation of protecting the people and so forth: the king on receiving the Vedic sacrament, we are told more particularly (VII 2–3) at the beginning of the author's theory of the king's creation, is bound to protect the whole world, and the Lord created the king for the protection of the whole creation: the king, we read similarly (VII 34), has been created as the protector of those who in due order are intent upon the performance of their duties. The king's foremost duty (*dharma*), we read (VII 144) in the second place, is the protection of his subjects: for a Kshatriya, we are further told (X 80) in the course of an enumeration of the occupations of the four castes, the most commendable occupation is the protection of the people. Thirdly and lastly, we read (VII 144; VIII 307–8; IX 254) that the king who enjoys the specified rewards (namely, his taxes and dues) is bound to discharge his duty of protection, that the king who receives the agricultural tax, duties, fines, etc., but fails to protect his people, goes after death surely to hell; and the king who receives one-sixth of the agricultural produce as tax (*bali*) but fails to give protection, takes upon himself the foulness of all people, and that when the king receives the agricultural tax but does not punish thieves his kingdom is disturbed and he loses heaven. In the above extracts the author firstly develops the old *Smṛiti* doctrine of the Kshatriya's divine ordination for protection so as to lead to the conclusion that protection is the Divine purpose of the king's creation: secondly he repeats the early *Smṛiti* principle declaring protection to be the king's obligation by the law of his order: thirdly and lastly, the author, while repeating the old *Smṛiti* conception of the king's obligation of protection in return for taxation, fortifies it with formidable temporal and spiritual sanctions.

Let us next consider Manu's development of the old *Smṛiti* theory of sanctions in respect of the temporal ruler's obligation towards his subjects. In Manu's text (VIII 307–8) quoted above the king is threatened with temporal and spiritual penalties for neglecting his duty of protection in return for taxation. In the same context (VIII 303–11) the author, after praising the king who confers immunity from fear upon his subjects, solemnly observes that the

sacrificial session (which the king, as it were, performs thereby) constantly increases in length with the gift of this immunity as his sacrificial fee: the king by justly protecting the creatures and slaying those deserving death, we are further told, performs daily sacrifices (as it were) with hundred thousands as his sacrificial fee, while kings by punishing the wicked and cherishing the good are constantly sanctified as the twice-born classes are sanctified by the performance of sacrifices: by contrast, the king neglecting his duty of protection is threatened with punishment after death. In another passage (VIII 386–7) the author, after stating that a king in whose realm five specified types of criminals are wanting attains the world of Indra, observes that their suppression secures to the king paramountcy among his peers and fame in this world. Again we read (IX 253) that kings, by protecting those who live as becomes Aryans and extirpating thorns, reach heaven. The king who through folly rashly oppresses his kingdom, we are told by contrast (VII 111–12), is soon deprived of his kingdom and of his life along with his relatives: the lives of kings are destroyed by their oppressing the kingdom just as those of living creatures are destroyed by tormenting their bodies. In the same context he refers especially to the king's administration of justice. The king, he says (IX 249) incurs as much sin by punishing an innocent man as by releasing a guilty one, while conversely he wins merit by punishing justly. In the above extracts the author completes the old *Smṛiti* theory of sanctions for the king's obligation of protection in accordance with the law of *karma*. This consists in supplementing the spiritual sanctions contemplated by the older thinkers by means of the temporal.

Let us turn to another group of extracts bearing upon this subject of sanctions in their application to the king. The king who protects his subjects, we read in one place (VIII 304–5), receives from each and all of them one-sixth of their spiritual merit, but if he fails to protect them, one-sixth of their spiritual demerit will also fall on him: the king, by properly protecting his subjects, wins one-sixth of whatever merit is earned by them from Vedic study, the performances of sacrifices, gifts and worship. In the second and shorter extract (XI 22–3) the author, while asking the king to grant maintenance and protection to needy Brāhmaṇas, explains that the king obtains from such a man whom he protects one-sixth of his spiritual merit. Paraphrasing a text (I 10. 9–10) of Baudhāyana (quoted above, p. 52), the author elsewhere (VIII 18–19) observes that the sin resulting from unjust decision is shared in the same proportion of one-fourth by the culprit, the witness, the assessors, and the king: when one deserving censure is censured, it is further observed, the king and the assessors are freed from sin which falls upon the perpetrator of the crime alone. More briefly we are told (VIII 317) after Vaśishṭha (XIX 44) that the thief casts his guilt upon the king. In the above extracts the author firstly repeats the old *Smṛiti* principle of double transfer of *karma* of the subjects to the king while charging the king who fails to punish crimes with a share of the resulting sin equally

with the other actors in the trial. Secondly, the author fixes the king's share of the *karma* of his subjects at the figure of one-sixth evidently after the traditional rate of the agricultural tax. This would seem to give logical completeness to the older doctrine not only by making the king doubly responsible afresh for the fulfilment of his obligations, but also by conveying into the sphere of spiritual sanctions the conception of an implied contract between the ruler and his subjects.[6]

In contrast with Manu's ideas of the authority and obligation of the temporal ruler, those of Yājñavalkya are slight and superficial. On the one hand, he includes (I 153) after Manu (IV 135) the Kshatriya along with the snake and the Brāhmaṇa in a list of those who should not be despised. On the other hand, the author mentions (I 119) in an enumeration of the duties of castes that the principal occupation (*karma*) of the Kshatriya is the protection of the subjects : among the two highest duties (*dharma*) of kings he includes elsewhere (I 323) the gift of immunity from fear to his subjects : further he observes (I 335 ; ibid. 337) that the king who justly protects his subjects earns one-sixth of their spiritual merit, for protection is the greatest of all gifts, while the king takes one-half of whatever slight sin is committed by the subjects for want of protection. Yājñavalkya elsewhere (I 340–41) observes that the king who unjustly fills his treasury with the wealth of his subjects swiftly loses his fortune and is destroyed together with his friends : the fire kindled by the fear arising from the oppression of the subjects is not extinguished till it has burnt down the king's family, fortune and life itself. In the above extracts the author repeats Manu's principle of the king's authority derived from his irresistible force as well as that of the king's obligation of protection following from the law of his order. Yājñavalkya also follows Manu's idea of the double transfer of the *karma* of the subjects to the king with minor differences. For while he retains Manu's rate of one-sixth as the king's reward for the service of protection, he fixes the rate of the king's punishment in default thereof at the much higher figure of one-half, which he connects somewhat illogically with the king's collection of taxes from his subjects.

Manu's theory of the coercive authority (*daṇḍa*) of the ruler repeats and develops that of the old *Arthaśāstra* thinkers (above, pp. 86ff.). In the first and the most important extract (VII 14–31) following immediately after the author's description of Divine creation of the king, he explains his view of the origin and status as well as function of *daṇḍa*. For the King's sake, we are told, the Lord created in days of yore His own son *daṇḍa* the protector of all creatures, Law (*dharma*), formed of Brahmā's lustre : *daṇḍa* is the king, the male, the director, and the ruler as well as the surety of observance of their duties (*dharma*) by the four orders (*āśramas*). *Daṇḍa*, we are further told, probably after an old *Arthaśāstra* text as noted elsewhere, rules all people, *daṇḍa* alone protects them, *daṇḍa* is awake when others are asleep, the wise declare *daṇḍa* to be identical with the law (*dharma*). Through fear of *daṇḍa*, the author continues, all creatures,

movable and immovable, 'yield themselves for enjoyment' and swerve not from their duties. The whole world, we are again told (probably as observed elsewhere after a fresh *Arthaśāstra* text) is kept in order by *daṇḍa*, good men are rare and it is through fear of *daṇḍa* that the whole world 'yields the enjoyment which it owes'. Even the gods, the demons, the demi-gods, the goblins as well as the bird and snake deities, the author adds with magnificent exaggeration, 'yield themselves for enjoyment' only when they are tormented by fear of *daṇḍa*. The author, in the next place, describes the vital importance of the king's attitude towards *daṇḍa* from the standpoint of the individual and the community. When *daṇḍa*, he says, is applied after due consideration it makes all people happy, but when applied without consideration it destroys everything: should the king not untiringly apply *daṇḍa* against the wicked, the strong would roast the weaker like fish on a spit, the crow would eat the sacrificial cake and the dog would eat the sacrificial viands, ownership would remain with none, while the lower ones would usurp the place of the higher ones: should mistakes be made with regard to *daṇḍa*, all castes would be corrupted by intermixture, all barriers would be broken through and all men would rage against one another: when *daṇḍa* walks about destroying sinners, the people are not disturbed provided that its wielder discerns well. The author concludes with an account of the essential qualifications of the ruler for the successful application of *daṇḍa*. The king, we read, is a just inflicter of *daṇḍa*, who is truthful, who acts after due consideration, who is wise and who is conversant with Virtue, Pleasure and Wealth: the king who is voluptuous, partial and deceitful, on the other hand, is destroyed by the same *daṇḍa* which he inflicts: when the king swerves from his duty (*dharma*) *daṇḍa* strikes him down with his relatives and his kingdom, nay more, it afflicts the whole world and likewise the gods and the sages. Regarding the ruler's qualifications, the author further says that *daṇḍa* cannot be inflicted justly by one without assistants or a fool or a covetous man, or one whose mind is unimproved, or one who is addicted to sensual pleasures, while it can be justly inflicted by one who is pure and truthful, who acts according to the canon, who has good assistants and who is wise.

The principle of *daṇḍa* is dealt with by the author much more briefly in two short extracts. The whole world, he says in one place (VII 103, probably after another *Arthaśāstra* quotation as observed elsewhere), stands very much in awe of one who is ever ready to apply *daṇḍa*. Neither the father, nor the mother, nor the friend, nor wife, nor son, nor the domestic priest, we are told in another place (VIII 335), is exempt from the king's *daṇḍa*, should they fail to follow their duties.

In the above extracts the author in the first place emphasizes the old *Arthaśāstra* idea of the high authority of *daṇḍa* by raising it to the level of the foremost political principle as well as a divine institution derived from the highest divinity. This view is justified by the function of *daṇḍa* in ensuring individual security in respect of person and property as well as stability

of the social order. The above conception of the origin of *daṇḍa* fits in with and completes the author's doctrine of Divine creation and endowment of the temporal ruler. In the second place, the author repeats the old *Arthaśāstra* doctrine of identification of *daṇḍa* with law, so as to mean probably that the one is the essential means of fulfilment of the other. Thirdly, the author justifies his view of the high function of *daṇḍa* by reference to an old *Arthaśāstra* principle based upon human psychology, namely, that the fear of *daṇḍa* is the grand motive for the fulfilment of individual obligations. Fourthly, according to the author, the king's mode of application of *daṇḍa* is the key to the weal and woe of the individual and the community. For, while its just application leads to individual security and happiness, its careless or slight application produces complete insecurity of person and property, neglect of religious rites and overthrow of the social order. This view, while repeating Kauṭilya's conception of the profound significance of *daṇḍa* for good or for evil for the individual and the community, falls into line with the author's conception of the king as the creator of the Time-spirit. Fifthly, the author enumerates the good qualities (truthfulness, discrimination, wisdom, submission to canonical authority and equipment with good assistants) qualifying the ruler for the exercise of *daṇḍa* as well as the bad qualities (self-indulgence, partiality, deceitfulness, greed, ignorance and want of assistants) disqualifying him for the same. This implies the application of the well-known *Arthaśāstra-Smṛiti* principle of the technical qualifications of the ruler to this branch of his executive administration. The author takes this occasion to impress upon the king the lesson of just application of *daṇḍa* by pointing to the risk of cosmic reaction in the event of his behaving otherwise. Sixthly and lastly, the author lays down the principle of the king's unlimited jurisdiction over offenders irrespectively of their rank or status. This involves the application of the old *Arthaśāstra-Smṛiti* principle enjoining strict impartiality upon the king in the administration of criminal justice.

Yājñavalkya's theory of *daṇḍa* (I 354–8) involves a repetition of some of the basic ideas of Manu set forth above. The king having acquired his kingdom, we are told, should inflict *daṇḍa* upon the wicked, for Law (*dharma*) was created in days of yore by Brahmā in the form of *daṇḍa : daṇḍa*, again, is incapable of being applied justly by one who is greedy and whose intellect is not well directed : when *daṇḍa* is applied according to the canon, it gladdens the universe consisting of gods, demons and men, but if applied otherwise it afflicts the same : if the king applies *daṇḍa* unrighteously, he loses heaven and fame as well as this world, while he wins heaven and fame by applying it properly : neither the brother nor the son, nor the father-in-law nor the maternal uncle, nor any other venerable person is exempt from the king's *daṇḍa*, should the offender have swerved from his duty (*dharma*). In the above extracts the author in the first place repeats Manu's doctrine of the Divine creation of *daṇḍa* and its identity with Law. Secondly, he mentions after Manu the attributes (truthfulness, purity, intelligence and dependence

upon good assistants) qualifying the ruler for his task as well as those (greed and undirected intelligence) disqualifying him for the same. Thirdly, the author shows after Manu how the king's mode of direction of *daṇḍa* (in accordance with or without the canon) is the key to the happiness or otherwise of the people. Fourthly and lastly, the author repeats Manu's doctrine of universal jurisdiction of the king's *daṇḍa* over his subjects.

The ideas of the king's authority and obligation set forth above are applied by Manu and Yājñavalkya after the old *Arthaśāstra-Smṛiti* pattern to the branch of State law. On the one hand Manu observes (IX 232; ibid. 275; ibid. 280) that those who forge royal edicts, or corrupt his chief officers (*prakṛiti*) or serve his enemies, or rob his treasury, or persevere in opposing his commands, or conspire with his enemies, or break into his treasury and armoury, are to be punished with death. Similarly in the opinion of Yājñavalkya (II 302–4) one who repeatedly speaks evil of the king, or despises him or betrays his counsel, is to be banished after cutting off his tongue, while one prophesying the king's misfortune or mounting his conveyance or seat is to be punished with a fine. On the other hand Manu (VIII 40), amplifying an old *Smṛiti* rule, observes that the king must restore property stolen by thieves to (the owners of) all castes, while he who uses such property for himself incurs the guilt of a thief. This rule is repeated by Yājñavalkya (II 36). Again while Manu (VIII 38–9; IX 189) and Yājñavalkya (II 34–5) repeat the old *Smṛiti-Arthaśāstra* clauses relating to the king's right to the treasure-trove and the property of persons dying without heirs, Manu adds a new clause (IX 243–5) forbidding the king to take the property of persons guilty of mortal sins, and he explains that the king should throw such property into water as an offering to God Varuṇa or else bestow it upon a learned and virtuous Brāhmaṇa. In another place (VIII 336) Manu lays down the remarkable dictum that where an ordinary man would be fined one (copper or silver) coin, the king should be fined one thousand. When the king, says Yājñavalkya (II 307) after Kauṭilya (IV 13), unjustly levies a fine, he should multiply it thirty-fold and make it over to the Brāhmaṇas after offering it to God Varuṇa.

In the above extracts the authors, on the one hand, repeat the old *Arthaśāstra* law of treason imposing death or other heavy penalties for offences against the king's person and property as well as his authority (above, pp. 117–18). On the other hand, they amplify the old *Smṛiti* law of the king's liability for protection of his subjects' property (above, p. 50) so as to extend it to all classes. The authors, again, repeat the old *Smṛiti* rules (above, p. 51) modifying the king's property rights by various restrictive clauses, adding other rules making the king liable to a proportionately heavy fine for his offences. This repeats and develops the old *Smṛiti* principle of the rule of law in the branch of the king's internal administration. By contrast it may be mentioned that the laws of penance in Manu and Yājñavalkya have no parallel to the old *Smṛiti* clause imposing a fast upon the king and his *purohita* for maladministration of justice.

The general ideas of kingship in Manu and Yājñavalkya reflect the two contradictory tendencies that we have traced back to the early *Smṛitis* (above, pp. 51–2). On the one hand Manu (v 93–4) and Yājñavalkya (III 27), repeating and developing the ideas of the old *Smṛitis* about the high, though not unique, social status of the king, declare kings to be perpetually free from ceremonial impurity, Manu justifying this by the double principle of the king's authority and his obligation. The king, again, is entitled (Manu III 119–20 and Yājñavalkya I 110) to the honey-mixture offering along with the learned Brāhmaṇas and others. The king's right of way (Manu II 139 and Yājñavalkya I 117) is second only to that of the Vedic student returned home. It is even forbidden (Manu IV 130 and Yājñavalkya I 152) to tread upon the king's shadow : Vedic study is to be interrupted (Manu IV 110) in the event of the king's impurity on account of birth or death in his family, while one suffers impurity (Manu V 82) in the event of death of the king in whose realm he resides. On the other hand the king is included (by Manu IV 218), after Śaṅkha quoted in Chapter III, in a list of persons whose food is forbidden. What is more, Manu (IV 84–91) forbids the acceptance of gifts from a king not born of the Kshatriya stock on the basis of his strong condemnation of this class : one king, he says, is equivalent to ten brothels, and a king is like a butcher keeping one hundred thousand slaughter-houses : a person accepting gifts from greedy and impious kings is doomed after death to live in a succession of hells. Yājñavalkya (I 140–41) condemns acceptance of gifts from greedy and impious kings in similarly strong terms. Kings and Kshatriyas, says Manu (XII 46–8) in the course of a classification of beings, constitute the middling rank of the condition caused by activity, while by contrast Brāhmaṇas form the first rank of the condition caused by goodness. The above extracts involve a conflict between two principles, one tending to exalt the king no doubt on the ground of the importance of his origin, office and functions, and the other seeking to denounce the king especially for the fault of oppression of his subjects and impious disregard of the canon.

CHAPTER EIGHT
NOTES

[1] A very different account of the course of India's history in the post-Aśokan period and its influence upon the fortunes of her political ideas is given by D. R. Bhandarkar (*Some Aspects*. . . pp. 27–33). Tracing this history back to the past Bhandarkar states that Aśoka's missionary activity by creating 'an apathy for militarism and political greatness' encouraged the invasions of the Bactrian Greeks after his death, that the Śakas, the Pahlavas and others following in the wake of the Greeks eclipsed the sovereignty of almost all indigenous royal dynasties, that although the foreigners were rapidly Hinduised they 'practically monopolized' the political power in the country till the Muslim conquest, and that under their pressure 'the old Hindu genius for originality' with its accompanying 'development of political thought' 'remained dormant and died a natural death'. This view is open to exception in all its parts. In the first place it is still a debatable question whether, and if so how far, Aśoka's pacifist policy encouraged the invasions of the Bactrian Greeks. Secondly,

Bhandarkar's theory of the total eclipse of almost all Indian royal dynasties by the foreigners and their practical monopoly of political power in spite of their rapid Hinduisation ignores patent historical facts such as the successful stand made by the Śuṅgas and the Sātavāhanas as well as King Khāravela against the foreign invaders and the complete recovery of the lost dominion by the Imperial Guptas. Thirdly, Bhandarkar's statement altogether misses the immense significance of the metrical *Smṛitis* of Manu and Yājñavalkya as well as that of the *Mahābhārata* as betokening the advent of the Brahmanical Renaissance. A very narrow aspect of the historical role played by these works is reflected in Bhandarkar's statement that they mark the attempt of the Brāhmaṇa authors to give their borrowed *Arthaśāstra* material 'such a form as to advance their personal end'. The sole argument in support of this unfortunate statement is that while according to Kauṭilya 'the king's law' was to prevail in the case of its conflict with the three other sources of law, the metrical *Smṛitis* laid down 'the contrary dictum of giving unquestionable preference to *Dharmaśāstra* over *Arthaśāstra*' in the event of their divergence—a view which (as we have sought to show in this and the preceding chapters) misses the fundamental agreement between the two sets of authorities on the double theory (mixed up by Bhandarkar) of the sources of the State law and the modes of judicial decision. Fourthly and lastly, Bhandarkar's idea of the stagnation and death of the Hindu genius of political speculation in the period of the Greek invasion and thereafter is evidently a gross exaggeration. Indeed we have sought to show in the following chapter how the blending of the two streams of influence (the *Dharmaśāstra* and the *Arthaśāstra*) gave a new impetus to the development of ideas in the political thought of Manu and still more of Bhīshma in the *Mahābhārata*. While none of the later Brahmanical and Buddhist as well as Jaina literary works approaches singly the level of Bhīshma's political thought, their collective contribution nevertheless is not slight in quantity or insignificant in quality. When Bhandarkar further declares the science of polity to be 'practically barren' after Kauṭilya, he forgets the remarkable touches of originality in the *Bṛihaspati-sūtras*, the *Nītisāra* of Kāmandaka, the Jaina works on *nīti* and above all in the *Śukranītisāra*.

[2] For a valuable and thorough discussion of the questions relating to the date and authorship of the *Dharmaśāstra* works of Manu and Yājñavalkya see now P. V. Kane, *History of Dharmaśāstra*, vol. I, pp. 79–85, 135–58. Bühler's discussion of these questions in relation to the *Dharmasūtra* work of Manu (*SBE* vol. XXV, Introduction) still remains the most fundamental on the subject.

[3] If we accept the explanation of the above passage by the commentator Nandana, namely, that custom as well as what is declared in the *Vedas* and the *Smṛitis* is the transcendental law (*dharma*), Manu would appear to place the authority of the former on a par with that of the latter.

[4] The above follows the explanation of most of the commentators (Kullūka, Nārāyaṇa, Rāghavānanda, and Nandana). According to Medhātithi's explanation, on the other hand, the king should ordain for regions, castes and families the practices of good and righteous twice-born men, provided these are not opposed to the canon—a view which is more in accordance with the spirit of the old *Smṛitis*.

[5] For 'reasoning based upon usage', Dr P. V. Kane (*History of Dharmaśāstra*, vol. III, p. 866) has 'reasoning based on the practices of the elders'.

[6] For criticism of Dr K. P. Jayaswal's highly original and ingenious interpretation (*Hindu Polity*, pp. 224–8) of Manu's theory of Divine creation of the king, *vide* the present writer's work, *The Beginnings of Indian Historiography and other Essays*, pp. 111–14. We may repeat here our principal arguments. Firstly, Jayaswal's various suggestions of the source of Manu's theory so as to prove that it had 'no direct support in earlier literature' are quite unconvincing. The statement that Manu used 'the theory of the politicians' (*Mahābhārata* XII 59) about the people's dissatisfaction with 'the *arājaka* system' and the Creator's recommendation of the king at their request without reference to 'the theory of the election of Manu Vaivasvata' (ibid. XII 67) and his further suggestion that Manu took the story of Veṇa (ibid. XII 59) but ignored the further tradition of the deposition of this king because of his unlawful rule, are based on the unwarranted interpretation of the familiar term *arājaka* (meaning anarchy), besides involving the gratuitous assumption of the posteriority of Manu to the *Mahābhārata*. Jayaswal's further statement that Manu 'twists the import of the Vedic coronation ritual invoking the help of the gods to the elected king' into the doctrine that

'these gods come into the person of the king' who thus becomes a great deity, ignores the repeated references in the Yajus-Saṁhitā and Brāhmaṇa texts to the king's identification with the gods usually through, but sometimes independently of, participation in the ceremonies of royal and imperial consecration, not to speak of the anticipations of Manu's doctrine in other texts on the creation of divine kingship (*vide* above chap. II). Jayaswal's final suggestion that Manu developed the reference in Kauṭilya to a government spy's speech, recalling the resemblance of the king's position to that of Indra and Yama, into a theory of the king's divinity and perfect absolutism, exaggerates the difference between the two authorities. For Manu likewise contemplates the equivalence of the king's functions to those of the deities, while his conception of the king's divinity like that of Bhīshma in the *Mahābhārata* is attended with the limitations inherent in the *Smṛiti* milieu about which Jayaswal is completely silent. Incidentally it may be mentioned that Jayaswal's characterisation of Manu's theory as making 'the nearest Hindu approach to the divine theory of kingship' is contradicted by *Mahābhārata* XII 59 where in contrast with Manu's reference to the king's creation out of the particles of the gods Vishṇu is said to have entered the king's person so as to make the kings thenceforth indistinguishable from the gods. In the next place the historical argument advanced by Jayaswal for the alleged unique character of Manu's theory, namely that it was laid down to support the rule of the Brāhmaṇa Pushyamitra, the founder of the Śuṅga dynasty, does not bear the test of scrutiny. Assuming that the *Manusmṛiti* was written in the reign of Pushyamitra, the exercise of political authority by a Brāhmaṇa could not be regarded in orthodox Brahmanical circles as 'an abnormal state of affairs opposed to law and tradition' in the sense, for instance, in which the rise of Mahāpadma Nanda was regarded by the Purāṇa genealogists. For the *Smṛiti* law expressly provides for the Brāhmaṇa's living by the Kshatriya's occupation in times of distress, while references to Brāhmaṇa kings are found in the early Buddhist literary tradition. Again, Jayaswal's statement that Manu's theory was 'never approved or adopted by a single subsequent law-book' is on general grounds highly improbable, in view of the exceptionally high authority attributed to Manu by such a writer as Bṛihaspati (*vide* the work *Bṛihaspati-Smṛiti Reconstructed* by K. V. Rangaswami Aiyangar, p. 233, verses 12–13 and the quotation by Kullūka on Manu I 1). In truth, repeated references to Manu's theory of the origin of kingship are found in the literature of the later *Smṛitis* as well as the *Smṛiti* commentaries and digests. Jayaswal's further observation, that Manu's theory 'was converted into a divine theory of the servitude of the king to the subjects', rests on the solitary evidence of a *Śukranītisāra* text (I 188), which surprisingly in the same breath mentions the theory of the king's authority by divine ordination. His next statement that Manu's theory 'was superseded in the work itself by the old theory of the king's human and contractual status' rests upon the evidence of the verses (VII 14f.) pointing to the high authority of *daṇḍa* in relation to the law and the king. But this reference instead of superseding the doctrine of the king's Divine creation only involves (as we have suggested in this chapter) its limitation on the basis of the old *Smṛiti* ideas of the rule of law in the branch of the king's administration and of the king's high qualifications for this office. It deserves to be mentioned in this connexion that Jayaswal's translation of *satyasandha* (VII 31) in the same context as 'true to the coronation-oath' is forced and unnatural, its natural meaning like that of *satyavādin* in an earlier verse (VII 26) being 'truthful'.

We may consider in the next place the much less original interpretation of Manu's theory by Dr D. R. Bhandarkar (*Some Aspects* . . . pp. 146–7 ; cf. ibid. 157). Comparing Manu's theory with that of *Mahābhārata* XII 68 he observes that the one is practically identical with the other, both holding the king to be a deity, but Manu adds a new feature by declaring the king to be the creation of the Supreme God. This involves, Bhandarkar tninks, 'the first trace of the real divine origin of kingship similar to that propounded by the Western thinkers'. Without stating that the *Mahābhārata* extract above quoted refers to the theory of the king's office and not that of his origin, we may point out that Manu's theory was anticipated indirectly by one Vedic version of the origin of the king of the gods and directly by an anonymous text quoted (evidently from a Brāhmaṇa) by Viśvarūpa in his commentary on Yājñavalkya (*vide* Chap. II above). It may further be pointed out that dissimilarities between the Indian and the Western theories of Divine origin of kingship are much more important than the similarities (*vide* Chapter XXX below).

CHAPTER IX

THE BRAHMANICAL WORKS ON SACRED LAW— II THE *SMṚITIS* OF MANU AND YĀJÑAVALKYA (CONCLUDED)

CIVIL RIGHTS OF SOCIAL CLASSES

LET us consider at the beginning of this chapter Manu's development of an old *Smṛiti* principle explained by us above (pp. 53ff.), namely that relating to the civil rights of the upper classes. Referring to the old *Smṛiti* law of the distinctive occupations of the four castes, Manu (x 96–7) forbids a man of low caste, on pain of banishment and confiscation of property by the king, to live by the occupation of a higher one through greed, and he proceeds to state in the spirit of the *Bhagavadgītā* text (VI 40) to be quoted in a later chapter (XII) that it is better to discharge one's duty imperfectly than to perform completely that of another. In a second extract (VIII 348–9), however, we are categorically told that the twice-born classes may take up arms when they are obstructed in the performance of their duties, when destruction due to evil times threatens them, when one is in need of self-preservation, when there is strife in respect of fees of sacrificial priests, and when women and Brāhmaṇas have to be protected: he who righteously kills another (in the above circumstances), Manu adds, incurs no blame. In a third extract (IX 320–2) the author says that when the Kshatriyas have become overbearing towards the Brāhmaṇas in all respects, the spiritual power (*brahma*) itself shall duly restrain them. The spiritual power, it is argued, is the source of the temporal power (*kshatra*): water is the source of fire, the spiritual power of the temporal power and stone of iron, and the all-penetrating force of these three is extinguished at their source. Without the spiritual power, the temporal power does not prosper, and the spiritual power does not prosper without the temporal: the spiritual and the temporal powers, when closely united, prosper in this world and the next.

In the above extracts the author, while reinforcing with political sanction the old *Smṛiti* rule disqualifying the lower castes from adopting the occupations of the higher ones, allows the three upper classes, as before, to defend their civil rights by force of arms. The author's list of these rights, however, differs somewhat from the older enumerations, as it comprises not only the rights of self-defence and defence of the Brāhmaṇas and the social order, but also the defence of contending sacrificial priests and mass-protection in a political crisis. What is more, he adds full force to these rights by declaring that killing the assailant on the above occasions is no murder. In so far as the Brāhmaṇas are concerned, the author, going beyond the somewhat

narrow limits of the older writers, grants them for the first time the right of resistance against the oppressive ruler. This is based upon his application of the old Vedic doctrine of derivation of the temporal power from the spiritual so as to lead to the conclusion that the former is innocuous against the latter. Less cogent is the author's argument derived from the parallel Vedic doctrine of interdependence of the two powers.[1]

IDEA OF PROPERTY

Manu's ideas of property involve a combination of two parallel principles, one basing it upon the foundation of State-support, and the other involving its limitation on the score of capacity of its owner. Among the evils following from the king's failure to apply *daṇḍa*, Manu doubtless says (above, p. 168) that ownership would then remain with none. It is also significant that he includes (VII 51) the seizure of wealth in a list of the three most pernicious vices (*vyasanas*) of kings belonging to the group derived from anger. On the other hand the author (IX 18-20), while warning the Kshatriya against seizure of the property of Brāhmaṇas, declares that one who is starving may seize the possessions of robbers as well as those who do not perform their duties: he who takes away the property of the good to bestow it upon the wicked, it is explained in the words of a *Mahābhārata* text to be quoted in the following chapter (X), makes himself a boat (as it were) for carrying both (over the sea of misfortune): the wealth of those who are used to performing sacrifices, Manu adds, is declared by the learned to be the property of the gods, while the wealth of those who perform no sacrifices is held to be the property of the demons. The above extracts involve two principles, firstly, that security of property is one of the fundamental attributes of the State, and secondly, that property is founded upon virtue (after the canonical standards) so that the property of sinners may properly be seized by or on behalf of the virtuous.

It remains to notice two important extracts relating to Manu's idea of ownership of the soil. In the first extract (VIII 39) the author justifies the king's title to one-half of ancient hoards and metals found underground by the argument that the king is the overlord (*adhipati*) of the soil. This is preceded by another verse (VIII 37) allowing the learned *Brāhmaṇa* to take the whole of the treasure deposited in former times, on the still more formidable ground that he is the overlord of everything. In the second extract (IX 44) Manu quotes a dictum to the effect that the field belongs to him who cleared away the timber and a deer belongs to him who first wounded it with an arrow. In the above the author mentions two conflicting principles, one of which is based upon the right of the first clearer to the ownership of his field, while the other is founded upon the conception of the king's ownership of the soil, not to speak of the Brāhmaṇa's vague claim to universal ownership. It is evident that while the former reflects the ancient view, the latter is a later development intended to justify a specific extension of the king's fiscal rights, and of the Brāhmaṇa's rights of property.

THEORIES OF STATE-STRUCTURE AND GOVERNMENT

The well-known *Arthaśāstra* category of the seven constituents (*prakṛitis*) of the State is repeated with slight verbal changes by Manu (IX 294) and Yājñavalkya (I 353). Thus in place of *durga* and *janapada* of the *Arthaśāstra* list, Manu has *pura* ('the capital city') and *rāshṭra* ('the kingdom'), while Yājñavalkya has the concrete term *jana* ('people') for the more abstract *janapada* of the *Arthaśāstra*. Manu, again, repeats (IX 295) Kauṭilya's arrangement of the calamities of the constituents in the order of their descending importance, but he fails to justify this by argument. Manu's originality consists in his statement (ibid. 296–7) that as among the three staves tied together (by a rope of cow's hair) used by a monk, no particular staff is superior (to the others), so among the seven 'limbs' of the State no particular one can be said to excel the others, since each of them has a particular excellence of its own. A particular 'limb', he explains, is pre-eminent in some particular matter, and therefore the superiority of the one to the others is to be confined to that matter alone. This involves the principle of essential parity of the factors of the State-structure in spite of their admitted inequality in certain respects. Manu's view evidently makes a closer approach to the organismic theory of the State than was achieved by the earlier thinkers.

The views of Manu and Yājñavalkya on the theory of government may be considered chiefly under three heads, namely, the king, the officials, and the administrative organisation. Under the first heading we nave to mention that Manu and Yājñavalkya, following Kauṭilya's precedent, rank the calamity of the king above that of the officials, and that of the officials above the State territory and so forth. This repeats the Kauṭilyan principle (above, p. 120) that the king is the most important unit of the State administration. As regards the intellectual and moral qualifications of the ruler, the king, we are told (Manu VII 37–53), should follow the advice of Brāhmaṇas learned in the *Vedas*, he should constantly worship learned and aged Brāhmaṇas and learn the lessons of discipline from them, he should learn the four traditional sciences from the experts, and should acquire knowledge of the Supreme soul, he should constantly exert himself to conquer his senses, for otherwise he cannot control his subjects, he should shun the eighteen traditional vices (classified and graded by the author on Kauṭilya's lines). For, as the author says, vice is more pernicious than death, a vicious man sinking to the nethermost hell, while one who dies free from vice ascends to heaven. The king, says Yājñavalkya (I 309–11), should be energetic, grateful, honouring the elders, modest, truthful, pure, not procrastinating, virtuous. intelligent, heroic, guarding his weak points and trained in the Sacred Canon, philosophy, politics and economics. The above extracts, it may be broadly stated, sum up Kauṭilya's principal ideas (above, p. 122) about the intellectual and moral qualifications of the temporal ruler. The king's self-control in particular is justified by the old *Arthaśāstra* principle that this is the prerequisite of his successful administration.

Let us pass on to the second heading relating to the king's officials. Even an easy undertaking, says Manu (VII 55), can be performed with difficulty by a single man, how much more difficult it is to govern a kingdom yielding much revenue, especially if one has no assistant. Manu (VII 54 ; ibid. 60 ; ibid. 64 ; ibid. 78 ; ibid. 81) and Yājñavalkya (I 312–13) enumerate the qualifications of different classes of the king's officials, such as his ministers and other officers, his ambassador, his domestic chaplain and the superintendents of the administrative departments. The king, Manu further tells us (VII 61–2), should appoint as many qualified persons as are required for the due performance of his business, selecting them in the branches of revenue-administration and palace management according to their respective capacities. In the above extracts Manu justifies the appointment of officials after Kauṭilya by the plea of impossibility of one-man rule, and that of the difficulty and complexity of governmental affairs : again, Manu as well as Yājñavalkya implicitly or explicitly refers to the old *Arthaśāstra* principle of selection of persons with special qualifications for the important posts (cf. pp. 122–3, above).

The technique of the king's consultation with his ministers laid down by Manu and Yājñavalkya is both like and unlike that of Kauṭilya (see above, pp. 123–4). Manu (VII 148), while giving detailed instructions about secrecy of the king's counsel, argues that a king whose counsel is not known to the other people enjoys the whole earth, though he might be poor in revenue. Since counsel (*mantra*) is the root of the kingdom, says Yājñavalkya (I 344), the king should carefully guard the same so that no one can fathom it till its fruition in acts. The king, Manu (VII 54 ; ibid. 57–8) further observes, should appoint seven or eight ministers (*sachivas*) : he should ascertain their views severally and collectively, and then make his own decision : he should deliberate on the most important affairs relating to the six types of foreign policy with the most distinguished member of the group, namely, a learned Brāhmaṇa. The king, says Manu in another place (ibid. 151), should consult his ministers or otherwise deliberate by himself. The king, according to Yājñavalkya (I 312), should in the first instance deliberate with his ministers on State affairs and then with a Brāhmaṇa (evidently the most distinguished member of the group), and finally by himself. In the above the authors, in the first place, justify the principle of secrecy of counsel by the old *Arthaśāstra* plea of its forming the foundation of successful government. In the second place Manu, differing from the technique of Kauṭilya, recommends the king's consultation on general topics with a comparatively large council of ministers and his subsequent consultation with the most distinguished minister on selected topics, while he reserves for the king the option of forming a judgement by himself. Yājñavalkya's view is in substantial agreement with the above.

As regards the third and the last branch of the theory of government, the army which is the means of controlling (the subjects), we are told (Manu VII 65), depends upon the minister, the revenue and (the administration of)

the kingdom depend upon the king, while peace and war depend upon the ambassador. This presents a sharp contrast with Kauṭilya's principle of distribution of the departments of the central government based upon his appreciation of the danger from ministers, namely, that the revenue and the army should be reserved by the king for his direct control (above, p. 124). Referring to his scheme of local government through officials in charge of single villages or groups of villages, Manu (VII 115–24) requires another minister (*sachiva*) of the king to inspect their business unremittingly: further, he enjoins the 'superintendents of all affairs' in charge of the towns personally to visit those officers in turn and to trace their dealings in their respective jurisdictions completely through spies: the king's servants who are entrusted with the task of protection, it is explained, generally become knaves who seize the property of others, and therefore the people should be protected against them. Yājñavalkya (I 337) gives a more general rule requiring the king to protect the people against thieves and others, and specially against the class of official clerks and accountants (*kāyasthas*). In the above extracts the authors repeat the Kauṭilyan principle of constant watchfulness of the subordinate executive, Manu like Kauṭilya justifying this by the argument that power breeds corruption (cf. p. 124).

PRINCIPLES AND POLICIES OF GOVERNMENT

It will be convenient for us to begin our analysis of Manu's principles and policies of government with some reference to his views of their aims and objectives in the context of two well-known categories of human ends. Some declare the chief good, he says (II 24) referring to the threefold end of life (namely, Virtue, Wealth and Pleasure), to consist in the acquisition of Virtue (*dharma*) and Wealth (*artha*), others in that of Pleasure (*kāma*) and Wealth, others again in Virtue alone, and still others in Wealth alone, but the correct decision is that it consists in the aggregate of all the three. The above involves an interesting contrast with the simpler conception of Āpastamba (p. 56) about the superiority of Virtue to Wealth, while it recalls the statement of Kauṭilya (I 7) about the co-ordination of the three ends. Applying the above conception of the multiple end of life to Politics, Manu (VII 151–2) requires the king by himself or in consultation with his ministers to deliberate on Virtue, Wealth and Pleasure and the means of reconciling these mutually antagonistic ends. The king, we are told elsewhere (VIII 24), should examine the causes of suitors after considering the factors of Virtue and Wealth as well as their opposites. These passages stamp Virtue, Wealth and Pleasure (more shortly, Virtue and Wealth as in Kauṭilya) as the general objectives of the king's administration. Let us now turn to the view of Manu and Yājñavalkya regarding the parallel category of the four ends of worldly existence. The king, says Manu (VII 99–101), shall strive to acquire by his army what he has not gained, to preserve what he has gained by careful attention, to increase what has been preserved in various ways, and to bestow the increase upon the deserving. The king, Yājñavalkya (I 317)

similarly observes, should strive to acquire by lawful means what he has not gained, he should carefully preserve what he has gained, he should increase what he has preserved by policy, and he should bestow the increase upon the deserving. According to the above extracts the general aims of a king's policy are fourfold. These are, firstly, acquisition by force (Manu) or else by lawful means (Yājñavalkya); secondly, preservation (Manu and Yājñavalkya); thirdly, increase in various ways (Manu) or else through policy (Yājñavalkya); and fourthly, bestowal of the increase upon the deserving (Manu and Yājñavalkya).

The statements of general principles by Manu and Yājñavalkya appear to be largely inspired by the *Arthaśāstra* tradition. Repeating with Kauṭilya (p. 128) the principle of the king's paternal rule Manu (VII 80) as well as Yājñavalkya (I 334) asks the king to behave like a father towards his subjects. We miss in both of them by contrast any reference to the fundamental principles of universal freedom from fear and from want which constitute such a glorious feature of the *Dharmasūtra* conception of a Welfare-State (p. 56). Again, Manu as well as Yājñavalkya frequently prescribes for the king a composite and even contradictory line of behaviour dictated by the exigencies of the administration. The king, says Manu (VII 32), should act with justice in his own kingdom and chastise his foes with rigour: the king, similarly observes Yājñavalkya (I 334), should display anger towards his foes, but behave like a father towards his servants and subjects. The king, we are further told (Manu VII 10), should preserve his kingdom and destroy its opponents, just as a weeder plucks the weeds and preserves the corn: the king, Manu says elsewhere (VII 140), should be both severe and gentle according to circumstances, for he who is both severe and gentle is highly respected. How the principle of force is inculcated upon the king in Manu's theory of *daṇḍa* has been shown in another place. Finally Manu in a fresh extract (VII 102–6) lays down the complex principles of the king's government specially in relation to the foreign enemy. The king, we read, should be constantly ready to apply force (*daṇḍa*) with his prowess constantly displayed and his secrets constantly concealed, and he should constantly explore the weakness of his foe: he should bring all creatures under his control through force, since the world stands in awe of one who is ever ready to apply the same: while he should always act without guile and never treacherously, he should guard himself against the treachery of his foe and he should discover the wiles employed by his enemy: in fine the king should find out the weak points of his enemy without allowing the latter to discover his own. This is accompanied by a series of parallels drawn by the author from animal behaviour. Like a tortoise, we are told, the king shall protect the limbs (of the State) against treachery, like a heron he shall plan (his understandings), like a lion he shall exhibit his strength, like a wolf he shall snatch at his prey and like a hare he shall double in retreat. In other words violence combined with vigilance as well as readiness for attack or for retreat should be the watchwords of the king's attitude towards his enemy.

We have a short list of the policies of government in Manu's enumeration of the topics of deliberation of a king with his ministers. The illustrations (VII 151–7) include security in respect of the princes, and the behaviour of members of the State system. In an earlier passage (VII 56–8) the king is required to deliberate with his ministers on such subjects as ordinary matters of peace and war, revenue, protection and sanctification of his gains (by pious gifts), while he is asked to reserve the most important matters relating to the sixfold foreign policy for consultation with his most distinguished Brāhmaṇa minister. The author's detailed statements of governmental policies may be conveniently considered under two heads, namely, those relating to public security and to inter-State relations.

1. POLICY OF PUBLIC SECURITY. The king with the spies as his eyes, we are told by Manu in one extract (IX 256–60), shall detect two classes of thieves who are otherwise called rogues and thorns in the side of the people. The first class called 'the open thieves' consists of those who live by the fraudulent sale of various commodities and who take bribes, as well as of cheats, rogues, gamblers, fortune-tellers, high officers and physicians guilty of improper conduct and so forth. The second class called 'the secret thieves' comprises burglars, foresters and so forth. In the following lines (IX 261–93) the author mentions the methods that the king should employ for the detection and punishment of both these classes of culprits. Persons pretending to follow the same occupations as well as spies in various disguises, we are told, are to seek out the culprits and instigate them to commit crimes, and then the king is to proclaim their guilt and to punish them accordingly: the king is to guard various public places with his troops and spies so as to keep out the thieves: clever reformed thieves associating with such rogues are to bring them by various enticements to the presence of the State officers: those who refuse to come and those who suspect the king's agents are to be attacked by the king and killed with their friends and relatives: thieves who are caught with the stolen goods and the implements of theft in their possession and persons who give them food and shelter in the villages are to be put to death. Punishments are prescribed by the author in this connexion for various acts of injury to the public such as breaking down dams of tanks, cutting off the water-supply, wrong treatment of patients by physicians, destroying bridges, adulterating commodities, dishonest dealing with customers, practising incantations for destroying life, dishonest behaviour by goldsmiths as well as theft of agricultural implements and medicines. Punishment is also prescribed for royal officers and vassals who remain inactive during attacks by robbers and for the public failing to give help according to their capacity, when a village is being plundered or a dyke is being destroyed or a high-way robbery is being committed. In an earlier extract (IX 231; 234) the author requires the king to punish with confiscation of property those who being entrusted with (public) work mar through pride of wealth the business of others and to inflict a heavy fine upon the ministers or the judges settling things improperly.

The above passages in Manu's work recall Kauṭilya's line of policy quoted above (p. 134) relating to the protection of the public against anti-social elements. Manu's methods of implementation of this policy which are almost as drastic as those of Kauṭilya comprise, besides the posting of armed guards and spies at public places as a preventive measure, the punishment of offenders through *agents provocateurs*, the arrest of thieves through their treacherous associates and their wholesale extermination as well as punishments for various other offences (including negligence of duties by government servants and indifference shown by the people in cases of breach of peace).

2. POLICY OF INTER-STATE RELATIONS. The old *Arthaśāstra* categories relating to the State-system (*maṇḍala*) and the six types of foreign policy (*guṇa*) are repeated by Manu (VII 155–68) and Yājñavalkya (I 345–7). Manu in the above context indicates the principle of application of the six *guṇas* in general outline. The king, we are told (VII 169–74), shall make peace when he knows that he is sure of his own superiority in future and of (the likelihood of) his slight loss at present : he shall wage war when he finds that all his principal subjects (*prakṛitis*) are very much contented and he is very strong : he shall march against the enemy when he finds that his own army is well disposed towards him and is strong, while that of the enemy is in the reverse condition : he shall be neutral when he is very weak in chariots and troops : he shall divide his forces when he finds that his enemy is stronger in every respect : he shall take refuge with a rich and powerful king when he is very easily assailable by the enemy's forces. The king, Manu continues (VII 178–9), shall consider the future and the immediate present as well as the good and bad aspects of all past transactions : he who understands the good and evil consequences of his acts in future, who is quick in forming resolution for the present and who knows the consequences of past acts, is never conquered by the enemy.

The above passages recall Kauṭilya's general principle of selection of foreign policy (above, p. 139), namely, that of expediency based on the comparative strengths of two rival States. The factor determining the policy of peace, we are told, should be a king's prospective superiority to his rival in the face of present inferiority—a principle which repeats the old *Arthaśāstra* concept of the adjustment of policy to the changing relative strength of States : similarly the factors making for a policy of war are the king's great strength and the exceeding loyalty of his subjects while those justifying the policy of attack are his possession of a loyal and a strong army : the choice of a policy of neutrality or of a dual policy or of a policy of taking refuge is to be determined by similar considerations. In general the king's policy is to be determined by the widest consideration of the relevant factors, past, present and future.

We may notice here the significance of the elaborate rules of Manu (VII 181–200) relating to the policy of attack by a king on his enemy. The king, we are told, should march at the season favourable for his army and

fight on grounds suiting the weapons used for the occasion. This is subject to the exception that the king may march at other times if he is sure of victory, or if a disaster has befallen the enemy. In the above the author, repeating an old *Arthaśāstra* principle (above, p. 96), treats the selection of the policy of attack as a purely military problem involving the factors of strategy and tactics, the time-factor being left out in the event of certain success.

Let us consider in the present context, Manu's and Yājñavalkya's attitude towards war and fighting. Manu says in one place (VII 87–98) that the king, when challenged by a foe of equal, inferior or superior strength, must not refrain from fighting, for this is the Kshatriya's *dharma* : further, the author, after enumerating his rules relating to righteous warfare and the division of spoils after victory, concludes that these constitute the eternal law of warriors. In another extract (IX 323) which prefaces his summing-up of the whole eternal law relating to a king's occupation, Manu observes that the king should end his life on the battlefield. The Kshatriya's duty, says the author in a third extract (X 119), is to achieve victory and not to turn back in battle. Yājñavalkya (I 323–4), after declaring one of the king's highest duties to be bestowal upon the Brāhmaṇas of all objects gained by fighting, promises the reward of heaven to those who fighting with approved weapons are killed in battle without thought of retreat for the purpose of acquiring land.

In other passages Manu deals with the policy of war in the context of his discussion of the well-known *Arthaśāstra* category of the four political expedients of conciliation, bribery, dissension and force. In the first extract (VII 107–9) the author first asks the king to bring all his opponents under control by the application of all the four expedients : in the event of their not being amenable to the first three expedients the king is urged to bring them under control by force alone. The author concludes by recommending the application of conciliation and force in the interest of the prosperity of the kingdom. In a second extract (VII 159) the king is asked to overcome the members of his State-system by the conjoint or several application of the four expedients. In a third extract (VII 198–200) the author, while urging the king to conquer his foes by the conjoint or several application of all the four expedients, warns him against taking recourse to war. This is justified by the known uncertainties of victory and defeat in a fight between two kings. In the event of failure of the three other expedients, however, the king is urged to fight so that he may completely conquer his enemies. In a fourth extract (VII 214) the author asks the king who is threatened by great danger from every side to extricate himself from the same by the application of all the four expedients conjointly or severally. In contrast with the composite and even contradictory strands of Manu's thought towards war Yājñavalkya (I 346) takes up a very simple and consistent position. While all the four expedients being properly directed, he says, lead to success, force should be resorted to as the last alternative.

In the above extracts the authors on the one hand develop the old *Smṛiti* approved standards (above, p. 58). The king, it is held, is required by the law of his order to fight in answer to a challenge as well as for the acquisition of land and other advantages and, what is more, to stake his life in battle, the land and other advantages and, what is more, to stake his life in battle, the fight being waged in accordance with the approved rules of warfare. On the other hand Manu, oscillating between different lines of *Arthaśāstra* policy, recommends the application of force along with the three other expedients, and alternatively, that of conciliation and force, while in the same breath he declares force to be the last alternative in the event of failure of the three other expedients. The last view is adopted by Yājñavalkya.

In his attitude towards territorial annexation as in his attitude towards war Manu speaks with two voices. As a general principle the author (IX 251) urges the king to strive after the acquisition of countries that have not been gained and to protect those that have been acquired. This passage evidently conveys sanction for territorial conquest as well as annexation by the king. Nevertheless it is remarkable that the author elsewhere (VII 201–2 ; 206–8 ; 212–13) deprecates territorial annexation even after conquest. Here Manu, after asking the victor to worship the gods, to honour the Brāhmaṇas, to grant remissions of revenue and to proclaim a general amnesty, says that he should instal on the throne a relative of the vanquished king who is acceptable to all and make his terms with him : further, the author after referring to the threefold objective of treaties, namely, ally (*mitra*), money (*hiraṇya*), and land (*bhūmi*), observes that the king prospers, not so much by the acquisition of money and land, as by acquiring a royal ally who though weak (at present) may become powerful in future. With this last observation may be contrasted Kauṭilya's preference of land over money and still more, above the ally (above, pp. 145–6). Manu concludes by asking the king to abandon unhesitatingly even a rich and fertile country, should this step be necessary for his own safety. This is justified by the familiar *Smṛiti* plea of the individual's fundamental right of self-preservation : one should, the speaker argues with relentless frankness, preserve his wealth for emergencies, he should preserve his wife even at the cost of wealth, he should constantly preserve himself even at the cost of his wife and his wealth.

Yājñavalkya's attitude compared with that of Manu inclines more towards the policy of territorial annexation. There is no higher duty for kings, he says (I 323–4), than giving away to Brāhmaṇas whatever is acquired in war as well as the assurance of safety to his subjects. Amplifying the above, the author observes that those who for the acquisition of land court death in battle attain heaven, provided they fight with approved weapons. Elsewhere (I 342–3) we are told that the king who conquers the enemy's kingdom wins all the spiritual merits (*dharmas*) that are gained by protecting one's own kingdom. Again, while the author in the spirit of Manu urges the king who has brought the enemy's kingdom under control to keep intact all the local usages and customs and family rules, he is significantly silent about installing

a prince of the fallen dynasty as the victor's dependant. These extracts evidently countenance territorial conquest as well as annexation by the ruler. On the other hand it deserves to be remarked that the author (I 352), following Manu's precedent, declares the acquisition of the ally to be more valuable than that of gold and land. With the above halting attitude of Manu and even of Yājñavalkya towards territorial conquest and annexation we may contrast Kauṭilya's decisive scheme of world-conquest patterned after the author's description of the means of capturing a fortress by the all-out application of treachery and guile (above, pp. 129–30).

The goal of inter-State relations in Manu's thought is somewhat different from that of Kauṭilya. Speaking in the context of his general statement of policy on this point, the author says (VII 77) that the politic king should so arrange matters through all the four expedients that neither his ally, nor the neutral, nor the enemy can be superior to himself. Again he says (VII 180) that the sum of political wisdom consists in arranging everything in such a way that neither the ally nor the neutral nor the enemy can injure him. In other words the goal of foreign policy consists in ensuring for the State its complete security abroad. With this static goal in Manu's thought may be contrasted the dynamic programme of Kauṭilya's foreign policy (above, p. 140) involving the progressive advance of a State from the condition of Decline to that of Equilibrium and thence to the condition of Progress. It is permissible to think that Manu's departure from the ambitious standard of Kauṭilya betrays the overwhelming influence of the traditional *Smṛiti* conception of a stable social order.

DOCTRINE OF THE TWO POWERS—THEORIES OF BRAHMANICAL IMMUNITIES AND PRIVILEGES

The old Vedic doctrine of the two powers (p. 30), namely the temporal and the spiritual, is repeated by Manu in one place (IX 327) with striking crudeness. Here the author, in the course of an enumeration of the occupations of castes, observes that the Lord of creatures bestowed domestic animals upon the Vaiśya, while He bestowed all people upon the Brāhmaṇa and the king. This involves the application of the old Vedic dogma of Divine creation of the social order so as to invest the Brāhmaṇa and the king (representing the spiritual and the temporal powers respectively) with ruling authority over the rest by divine ordination.

We have next to notice our authors' development of the old *Smṛiti* principle of the Brāhmaṇa's immunities and privileges (p. 59). The Brāhmaṇa, says Manu in the first extract (I 92–101) in words emphasizing his pre-eminent and in fact unique position in the social hierarchy, sprang out of the Creator's purest part (namely, his mouth) : he was the first-born, he possesses the Veda, and hence he is by right the lord (*prabhu*) of the whole creation : Brahmā having performed austerities created him first from His mouth so that he might convey offerings to the gods and the Manes and protect the universe : it is through the Brāhmaṇa's mouth that the gods constantly

consume sacrificial viands and the Manes their offerings, and hence the Brāhmaṇa cannot be surpassed : the Brāhmaṇa's very birth is an incarnation of *dharma*, the Brāhmaṇa is born to fulfil *dharma* and hence he is identical with Brahman : a Brāhmaṇa by his very birth becomes the highest on earth and the lord (*īśvara*) of all created beings for the purpose of protection of *dharma :* whatever exists in this world is the property of the Brāhmaṇa : the Brāhmaṇa by virtue of the excellence of his birth is entitled to it all : the Brāhmaṇa eats but his own food, wears but his own apparel and gives away but his own : it is because of his benevolence that the others subsist. Other passages in Manu deal more specifically with the Brāhmaṇa's private and public rights. When the Brāhmaṇa, we are told (VIII 37), finds a treasure deposited in former times, he should take the whole of it, for he is the lord of everything. The Brāhmaṇa, we read in another extract (VIII 413–14), may compel a Śūdra to do servile work, for the Śūdra was created by Brahman to be the slave of the Brāhmaṇa : the Śūdra is not released from servitude which is indeed inherent in him even after emancipation by his master. Elsewhere (IX 243–5) the author forbids the king to take the wealth of a person guilty of mortal sin (*mahāpātaka*) and requires him instead to throw it into water as an offering to god Varuṇa, or else to bestow it upon a Brāhmaṇa of learning and character, for the latter is the lord of everything. The Brāhmaṇa, we read in yet another extract (X 2–3), must know the means of subsistence prescribed by law for all castes, he must instruct the others and he must live according to the law : the Brāhmaṇa is the lord (*prabhu*) of all castes, because of his pre-eminence, the superiority of his origin, his observance of distinctive rules and his particular sanctification. In the last extract (XI 31–5) Manu, while asking the Brāhmaṇa not to bring any wrong suffered by him to the king's notice but to punish his wrong-doers by his own strength, observes that this is greater than the strength of the king. The Brāhmaṇa, it is explained, should use without hesitation the charms and the incantations contained in the *Atharvaveda* : the Brāhmaṇa's weapon lies in his speech, and while the Kshatriya should tide over his calamities by the strength of his arms and the Vaiśya as well as the Śūdra by that of his wealth, the Brāhmaṇa should do the same by means of muttered prayers and burnt oblations : the Brāhmaṇa is the creator, the punisher, the teacher and the benefactor, and therefore no one should speak evil or use harsh words against him.

Let us turn from the Brāhmaṇa's private to his public rights. Beginning with general statement on the Brāhmaṇa's pre-eminence, Manu (IX 313–22) observes that the king, even though he is plunged in the deepest distress, must not provoke the anger of the Brāhmaṇas. The three worlds and the gods, it is explained, constantly depend upon the Brāhmaṇas, and the Brāhmaṇas' wealth is the *Veda* : whether learned or unlearned the Brāhmaṇa is a great deity : though the Brāhmaṇas may engage themselves in all sorts of mean occupations, they must be honoured in every way, for each of them is a great deity : when the Kshatriyas become overbearing

in every way towards Brāhmaṇas, the spiritual power shall itself restrain them, for the spiritual power is the source of the temporal power: the temporal power is derived from the spiritual power: like fire from water, iron from stone, the temporal power is derived from the spiritual, and therefore the all-penetrating force of these three is extinguished at their source: the temporal power does not prosper without the spiritual, nor the latter without the former, and when they are closely united they prosper in this world and the next.

In contrast with Manu, Yājñavalkya is almost completely silent about the theories of the Brāhmaṇa's immunities and privileges. In one place (I 198–9), however, while introducing his section on gifts, he lays down a doctrine of the Brāhmaṇa's pre-eminence recalling Manu's text (I 94; ibid. 96; ibid. 98) quoted above. Brahman, we read, having practised austerities, created the Brāhmaṇas for the protection of the *Vedas*, for propitiation of gods and Manes, and for protection of the law, and the Brāhmaṇas who are devoted to the study of the *Vedas* are as such the lords of all.

In the above extracts Manu, and following him Yājñavalkya, emphasize in the first place the Brāhmaṇa's general pre-eminence over the other classes by developing to its furthest limit the Vedic dogma of Divine creation of the social order (above, pp. 19, 22). The Brāhmaṇa is the universal lord as well as the universal owner by virtue of his origin (namely, superior and prior birth out of the Creator's body) as well as his divinely ordained function (namely that of teaching the *Vedas* and performing sacrifices for others). What is more, the Brāhmaṇa as being the embodiment of the law of the social order is identical with the Highest Deity. As regards the specific immunities and privileges of the Brāhmaṇas, Manu's views are based chiefly upon his striking and original application (shared by him with Bhīshma in the *Mahābhārata*) of the older doctrines relating to their birth, status and relations with the Kshatriyas (above, pp. 21, 34–5). Thus the Brāhmaṇa's exclusive property-rights in respect of treasure-trove discovered by himself and the property of mortal sinners confiscated by the king are founded upon the author's doctrine of the Brāhmaṇa's universal lordship quoted above. Again the Brāhmaṇa's title to the personal service of the Śūdra is based upon the author's interpretation of the Vedic dogma of Divine creation of the social order so as to make the Śūdra the perpetual slave of the Brāhmaṇa. The Brāhmaṇa's right to instruct others in their duties is founded upon the conception of his pre-eminence set forth above, as well as that of his distinctive birth and upbringing. The independent right of self-defence belonging to the Brāhmaṇa is derived from the conception of his superior might in comparison with the rest, while his immunity from censure is founded upon his function of punishing as well as benefiting and teaching others. The Brāhmaṇa's immunity from taxation is derived from Manu's original doctrine of the Brāhmaṇa's divinity irrespectively of his learning and character. Finally, the Brāhmaṇa's right to resist the evil ruler is based upon the old Vedic doctrine of the single spiritual power, of which the temporal

power is a derivative, so as to make the latter innocuous against the former. This is accompanied, illogically enough, by the author's quotation of the parallel Vedic doctrine of interdependence of the two powers.

Let us turn lastly to Manu's discussion of the old *Smṛiti* problem of the immunity of the Brāhmaṇa desperado (*ātatāyī*). Manu in one place (XI 89) emphatically declares that there is no penance for intentional murder of a Brāhmaṇa. Elsewhere (VIII 350–51), however, he observes that when an *ātatāyī* rushes for an attack, he may be slain without hesitation, no matter whether he is a teacher or a child or an aged man or a Brāhmaṇa : one who slays an *ātatāyī* whether openly or secretly incurs no blame for in that case fury recoils upon fury. The above extracts, it is evident, involve the combination of two old *Smṛiti* principles, namely that of absolute immunity of the Brāhmaṇa's person, and that of its nullification in the interest of the individual's right of self-preservation (above, pp. 59–60). This last principle which is interpreted to mean that killing a Brāhmaṇa assailant by open or secret means is no murder, is justified by the argument of Baudhāyana quoted before, namely, that violence begets violence.

CHAPTER NINE
NOTES

[1] The view that Manu VII 111–12 involves 'the unequivocal enunciation' of the doctrine of resistance of the people against the king (Benoy Kumar Sarkar, *Political Science Quarterly*, March 1918, p. 498), as well as that Manu VII 27-8 and Yājñavalkya I 356 along with Kauṭilya I 4 and *Mahābhārata* XII 92. 629 'justify' at least the deposition of the bad king, if not tyrannicide (Dr P. V. Kane, *History of Dharmaśāstra*, vol. III, p. 226) is inadmissible, since the texts simply warn the king against the grave consequences of his oppression and his wrongful infliction of *daṇḍa* respectively.

CHAPTER X

THE *MAHĀBHĀRATA*—(A) POLITICAL IDEAS IN THE MAJOR DIDACTIC EXTRACTS

INTRODUCTORY

We have endeavoured at the beginning of an earlier chapter (VIII) to indicate what we think to be the outstanding historical significance, in the context of the history of our ancient civilisation, of the *Mahābhārata* as well as the *Smṛitis* of Manu and Yājñavalkya. These works, we have held, heralded the advent of a Brahmanical Renaissance provoked and stimulated by the grave social, political as well as religious crisis in the history of our land during the centuries immediately before and after Christ. In the magnitude as well as the richness and variety of its contents the *Mahābhārata* surpasses the two other works. It is, as has been well observed, not a single poem, but rather a huge collection of poems of diverse kinds that gathered in course of time around the original epic kernel relating to the story of a family-feud in the ruling house of the Kurus. It is with the didactic passages, extracts and sections of the Great Epic that we are concerned in the present chapter. By far the most important of these didactic pieces are comprised in the first two sections of the *Śāntiparvan* entitled 'the section on royal duties' (*rājadharma*) and 'the section on duties in times of distress' (*āpaddharma*) (*Mahābhārata* XII 56–167), which purport to describe in sucessive chapters the discourses delivered by the Kuru sage Bhīshma in reply to the questions of his royal interlocutor Yudhishṭhira. These chapters contain collectively the largest as well as the most systematic and profound body of political ideas in our ancient literature. How much the *Mahābhārata* theorist appraises Bhīshma's discourses as his most authoritative exposition of *rājadharma* and connected topics, is indicated by the internal evidence. Introducing Bhīshma's discourses the theorist tells us in the first place (XII 38. 1–4 ; 6–16 ; 21–5) how when Yudhishṭhira at the end of the Great War asked *Vyāsa* about the duties of kings as well as those of the four castes, the sage referred him to the omniscient Bhīshma who was versed in all the duties (*dharma*), and how this advice was backed by Kṛishṇa. When the sages and the surviving warriors of the Great War proceeded to act accordingly, the sage Nārada advised them (XII 54. 1–9) to make no delay in questioning the aged Bhīshma who knew all the varied duties of the four castes. Then Kṛishṇa (XII 54. 27–8), speaking directly to Bhīshma, endowed him with his own divine wisdom to qualify him for his task, and he blessed Bhīshma's address beforehand by prophesying that it would last on earth like a Vedic discourse. These extracts point to the exceptionally high

authority intended in the *Mahābhārata* to attach to Bhīshma's teaching. Reference may be made, finally, to the solemn setting of the whole scene, in which the dying Ulysses of the Kuru race is made to utter his addresses as his last political testament to the assembled sages and kings headed by Yudhishṭhira.

Bhīshma's political ideas, like Manu's and Yājñavalkya's (above, p. 158) involve the blending of the old *Smṛiti* tradition with the teaching of the technical *Arthaśāstra*. This blending, however, is more conscious in the one case than in the other, for Bhīshma repeatedly quotes as his authorities single texts and even whole discourses purporting to have been composed by the masters of the technical science. The distinctive feature of Bhīshma's teaching consists in its extensive as well as intensive development of the older lines of our political thought. Among his most notable and original contributions are his theories of *rājadharma* and *daṇḍanīti* (involving the fullest development of the older ideas of fundamental importance of the king's office and of punishment as his most powerful instrument), his theory of the king's authority (founded upon the utmost development of the dogma of the king's Divine creation and quasi-divine significance of the king's office and functions), his theory of public rights of the social classes and the community (based upon the old *Smṛiti* principle of fundamental rights of classes), his view of the principles of government (combining in the fullest measure the two contradictory principles of violence and righteousness), his discussion of the moral standards of the king's policy in exceptional circumstances (involving principally a standard of expediency supported by the threefold principle of the distinctive law of the Kshatriya's or the king's order, of the duties of the castes in times of distress and of the supreme importance of the State in the interests of the individual and the community), and his theory of Brahmanical immunities (founded upon the conception of the Brāhmaṇa's birthright of universal ownership *de jure* as well as that of co-ordination of the two powers in their common interest and in the interest of the community). Like Manu, again Bhīshma mentions side by side the *Smṛiti* and *Arthaśāstra* principles relating to a king's act in fighting his enemy.

SIGNIFICANCE OF *RĀJADHARMA* AND *DAṆḌANITI* —RELATION OF POLITICS TO ETHICS

We may begin our examination of the political ideas attributed to Bhīshma in the *Mahābhārata* with an analysis of his remarkable development of the old *Smṛiti* concept of the Whole Duty of the King (*rājadharma*). Introducing his very first query, Yudhishṭhira (XII 56. 3–7) speaks of *rājadharma* in terms anticipating the basic ideas of Bhīshma. *Rājadharmas*, he says, are the refuge of all living creatures, and not only the threefold end of life but salvation itself depends upon them: the kingly duty (*dharma*) is held to be the means of controlling the world, just as the reins are unto the steed and the goad is unto the elephant: should the *dharma* observed by the royal sages become confused, disorder would set in in this world and everything

would be plunged in confusion : just as the rising sun dispels unholy darkness, so does the *rājadharma* destroy all evil consequences in this world. Bhīshma's view of *rājadharma* (Book XII, Chapters 63–6) is repeatedly conveyed to us by his comparisons with human values. 'Much has been achieved for the world of mortals' (SKB), he says at the outset (XII 63.24), 'by Kshatriyas fulfilling the highest duty (*dharma*)', and he quotes Vedic authority for his statement that all the duties of the three upper classes together with their auxiliaries spring out of the king's *dharma*. All (other) *dharmas*, he explains, are swallowed up in *rājadharma*, just as the foot-prints of all creatures are swallowed up in those of the elephant : quoting the views of those versed in the law as well as of cultured people, the speaker further observes that while all other *dharmas* afford little relief and produce small benefit, the *dharma* of the Kshatriya alone brings much relief and confers great benefit : all *dharmas*, the speaker sums up, have *rājadharma* as their chief, while all renunciation, all religious initiation and all religious exercises are fixed in *rājadharmas*. The above view of the uniqueness of *rājadharma* is justified by the speaker in the first instance by the conception of its pre-eminent function in relation to the community. Should *daṇḍanīti* (here significantly identified with *rājadharma*) be lost, he says, the three Vedas would sink and all *dharmas* would be mixed up : should the primeval *rājadharma* be given up, all the *dharmas* of the orders (*āśramas*) would disappear. The *dharmas* of the four orders and those of the castes, we are told (XII 64.1–6) in continuation of the above, are established upon the *dharma* of the Kshatriyas : in contrast with the *dharmas* of the four orders, that of the Kshatriyas produces much manifest benefit, is self-demonstrating and without guile, and is beneficial to all : 'just as in the matter of holiness the Brāhmaṇas are the source and stay of the other castes, so are the Kshatriyas in matters of good conduct' (S.K.B.). Bhīshma quotes in this connection (ibid. 19–29) the discourse of God Vishṇu (disguised as Indra) to King Māndhātā. I have, says the king, won immense and immeasurable regions and have established my fame by means of the Kshatriya's *dharma*, but I do not know how to perform the highest *dharma* deriving its origin from the Primeval Deity. The Kshatriya's *dharma*, replies the God, flowed from the Primeval Deity, and then came other *dharmas*, which are as it were its appendages : all other *dharmas* are included in this *dharma*, and therefore it is declared to be the highest. By means of the Kshatriya's *dharma*, it is explained by a divine example, the Divine Vishṇu in days of yore crushed His enemies and gave security to gods and sages : if that incomparable God had not killed all His enemies, neither the Brāhmaṇas nor Brahmā, the Primeval Creator of the World, nor the Good and Primeval Laws would have come into existence : if that foremost of gods had not in days of yore conquered this world with His prowess, all the duties of the four castes and the four orders would have ceased to exist because of the disappearance of the *Vedas*.

The view of the functional importance of *rājadharma* stated above is followed by the view of its ethical meaning. Casting away life in battle, we

read (XII 64), compassion for all creatures, knowledge of ways of the world, rescuing people from danger and their protection, relieving the distressed and the oppressed, all these are comprised in the *dharma* of kings : those who are without restraint and are swayed by the passions of lust and anger are prevented from committing sin for fear of kings, while others who are cultured and are endowed with all virtues and are devoted to good practices are enabled thereby to perform their duties properly. The Kshatriya's *dharma*, the speaker continues in the following chapter (XII 65), is the foremost of all *dharmas*, and without it the people would be ruined : while renunciation is declared by the sages to be the foremost of virtues, the renunciation of one's body in battle (this being included by the speaker among the king's highest duties) is the chief of them all : for establishing the four castes in their respective duties and for ensuring their protection, Kshatriya-*dharmas* which include all other *dharmas* within their scope are held to be foremost : those who are without restraint and are misdirected towards the pursuit of worldly objects are men of the nature of beasts, while Kshatriya-*dharma* is the best 'in as much as it leads from the greed of possession to proper conduct' (S.K.B.). In the following chapter (XII 66) the warrior-sage shows by a series of elaborate parallels how the king attains the fruits of different orders (*āśrama*) severally and collectively by fulfilling different groups of his duties. The king by following his duty of protection, Bhīshma concludes, wins a hundred times as much merit as is acquired by those (ascetics) who live in the forest and those who belong to the four orders. Finally, Yudhishṭhira is assured that by devoting himself wholeheartedly to the task of protection, he would acquire the merits of the four castes and the four orders.[1]

The above discussion involves the application of the old *Smṛiti* principle of the fundamental importance of the king's office (p. 49) for the interpretation of the concept of *rājadharma*, or as we may generally call it, Politics. *Rājadharma*, we are told in effect, is the fundamental social and political principle ensuring complete fulfilment of human ends as well as universal security : it represents quantitatively the most comprehensive, qualitatively the most fundamental, and ethically the most perfect group of human activities. This high estimate is justified primarily by its twofold function in ensuring collective security as well as stability of the social order founded upon the law of its constituent units. It is justified subsidiarily by the argument that the king sets the standard of virtuous behaviour by exercising the qualities of compassion and renunciation as well as by hindering the bad and helping the good, nay more by forcing the bad to be good. The author clinches his argument by declaring in effect that Politics is the most comprehensive branch of individual and social Ethics.

A very different conception of the ethical significance of the king's (or the Kshatriya's) duty recalling the adverse conception of kingship in the early *Smṛiti* authority Śaṅkha quoted on p. 52 is found in other extracts. In one extract (XII 62) Bhīṣhma instructing Yudhishṭhira in the auspicious.

lawful and approved duties of persons in the latter's situation, makes the significant admission that while many acts falling within the competence of Kshatriyas have been held to be conducive to heaven, they cannot be cited as exemplars. Explaining this passage the commentator Nīlakaṇṭha observes that the Kshatriya's duty (*dharma*) falls within the scope of the science dealing with the principle of action (*pravṛitti-śāstra*) and it cannot compare as such with the duties of the Brāhmaṇas which are predominantly inspired by the principle of renunciation (*nivṛitti*).

In a second extract (XII 98) Yudhishṭhira, after declaring the Kshatriya's duty to be the most sinful of all duties on the ground that the king slays large numbers of people in his wars and expeditions, desires to be instructed about the acts by which he can win regions of felicity. Tacitly admitting this low estimate of the Kshatriya's duties, Bhīshma enumerates the various acts (gifts, charities and sacrifices, chastising the wicked and cherishing the good, and above all fighting in disregard of life) by which kings cleanse themselves and become pure. In a third extract (XIII 61) similarly Bhīshma, while declaring Kshatriyas to be constantly engaged in cruel acts, observes that they are purified by sacrifices and gifts. Further, while stating that good men do not accept gifts from kings who are devoted to sinful acts. Bhīshma says that the king should perform sacrifices attended with abundant gifts. It follows from the above that not only does Politics fall short of the highest moral standards, but that it stands morally self-condemned because of the cruelties inseparable from its application.

Parallel to the development of the old *Smṛiti* concept of *rājadharma* in Bhīshma's thought is that of the ancient *Arthaśāstra* concept of *daṇḍanīti* (science or art of government). In the *Arthaśāstra* tradition (above, p. 83). *daṇḍanīti* ranks with the canon in the traditional list of sciences, but it is held nevertheless to be the work of human teachers (*āchāryas*). A completely different account of its rise and development is given by Bhīshma in a narrative preceding his description of the origin of kingship (XII 59), which will be presently considered by us in full. Here Bhīshma mentions how the gods, being afflicted with the moral downfall of man which threatened their own existence, sought the help of God Brahmā : the God accordingly prepared for the benefit of mankind an archetypal work on *daṇḍanīti* in one hundred thousand chapters : out of this extensive work aptly called the work of the Grand-sire, the gods Śiva and Indra as well as the sages Bṛihaspati and Śukra prepared successive summaries which were called after their respective names. In the above extract the account of the descent of *daṇḍanīti* from the original treatise of Brahmā through its successive summaries by the gods and sages is of course a transparent piece of fiction. Its importance nevertheless lies in the fact that it helped to stamp this science with an almost canonical authority. In accordance with this estimate of *daṇḍanīti* we find the speaker habitually quoting (XII 56. 24–5 ; 29–30 ; 39–40 ; ibid. 57. 3 ; 7 ; 41 ; 44-5 ; ibid. 58. 1–4 ; 14–16, and so forth) the authority of the old teachers of Polity side by side with the canonical texts. Among these teachers Uśanas,

Bṛihaspati, Prāchetasa Manu (who is said to be the author of a work on *rājadharma*), Viśālāksha, Indra, Bhāradvāja and Gauraśiras are distinguished in one place (XII 58. 1–3) as 'makers of the kingly science'. In one instance at least (XII 56. 29–30) the authority of Uśanas is quoted in modification of a view of Manu.

Bhīshma's view of the function of *daṇḍanīti* indicates the same development as his idea of its origin. Should *daṇḍanīti* perish, we are told in a passage (XII 63. 28) quoted above, the three *Vedas* would disappear and the duties would be mixed up. The above idea is expanded in other passages. When *daṇḍanīti* is lost and *rājadharma* is abandoned, says God Indra in a second extract (XII 65. 24–7) quoted by Bhīshma, all creatures are afflicted with confusion through the tyranny of kings, while by contrast when sinful men are restrained by high-souled persons (i.e., kings) by means of *daṇḍanīti*, the law (*dharma*) does not falter. In a third extract (XII 70) Bhīshma, replying to Yudhishṭhira's query about the mode of several and collective fulfilment of *daṇḍanīti* and the king, observes that when *daṇḍanīti* is properly applied by the king, it keeps the four castes within the limits of their distinctive duties and guards them from the reverse (S.K.B.): when the four castes follow their respective duties and the restraints are not broken down, when security and welfare are ensured to the people by the agency of *daṇḍanīti*, the three castes exert themselves for performance of Soma sacrifices, and gods as well as men attain happiness. Taking for his text the dictum known likewise to Manu that the king is the maker of his epoch, the speaker next explains how the *Kṛita*, the *Tretā*, the *Dvāpara* and the *Kali* Ages arise according as the king applies *daṇḍanīti* in full or in the proportion of three-fourth or half, or lastly, gives it up altogether. The intelligent Kshatriya, we are further told, should make *daṇḍanīti* his guide for gaining what he has not acquired and for preserving what he has gained: *daṇḍanīti* maintains the distinctions in this world and makes it prosper, and when properly administered it is like the mother and the father (protecting their children) and all creatures depend upon it.

In the above extracts the speaker, in the first place, identifying *daṇḍanīti* for all practical purposes with *rājadharma*, claims for it a twofold function. *Daṇḍanīti*, we are first told, is the means of ensuring individual security as well as the stability of the social order founded upon the law of its component units. In the second place the speaker, while repeating Manu's conception of the king as the creator of his Age (p. 164), finds its explanation in the varying degrees of the application of *daṇḍanīti* by the king. This idea is evidently based upon the old *Arthaśāstra-Smṛiti* conception of the paramount function of *daṇḍa* in relation to the community (pp. 119, 167).

AUTHORITY OF THE TEMPORAL RULER

The extensive body of Bhīshma's thought relating to kingship involves still more than the thought of Manu the development of the twofold principle of the early *Smṛitis*, namely, that of the authority and the obligation of the

temporal ruler. The king's authority, to begin with, is based by Bhīshma in two chapters upon a dogmatic interpretation of the king's origin. In the first chapter (XII 67) Bhīshma, after declaring the consecration of a king to be the foremost duty of the people, draws an imaginary picture (to which we shall presently return) of an evil State of Nature without a king. Projecting this picture into the remote past, the speaker gives us what he calls the traditional account of the origin of kingship. In days of yore, so runs this account, the people being without a king met with destruction by devouring one another, like (the stronger) fishes devouring the weaker ones in water: the people gathered together and made compacts (*samayas*) to the effect that whoever among them would be guilty of abuse, assault, adultery or robbery would be cast off by themselves : being unable to abide by this compact and being sorely afflicted, they collectively waited on the Grand-sire (Brahmā) : pleading the danger of their destruction they prayed for a lord (*īśvara*) whom they might honour collectively and who would protect them : the Great God ordained the patriarch Manu for this task : Manu, however, at first told the people about his inability to accept this charge on the ground of cruelty of the task of government and the great difficulty of ruling over men who are deceitful by nature : to coax him into acceptance of this burden, the people made an agreement with him assuring him of their support : they were to pay him as revenue one-fifth of their live-stock and of the cash (value of precious crops) (*hiraṇya*) as well as one-tenth of their (common) crops (*dhānya*), and they were to provide him with a bodyguard : while the sins of the subjects would overtake their doer, he would earn one-fourth share of all meritorious acts performed by them through his protection. After completion of this agreement Manu went forth with all his forces, striking terror into the hearts of all (evil-doers), subduing the wicked and making the people follow their respective duties and occupations.

If in the extract quoted above the story of the king's origin is told with the avowed object of justifying his authority, this purpose is scarcely less explicit in the next chapter (XII 59) to which we now turn. How is it, asks Yudhishṭhira, that the current title of 'king' came into existence. This very general question is followed by another query which anticipates the warrior-sage's reply in favour of the authoritarian principle. How is it, we are told, that the king, who is equal to other men in physical organs and mental attributes, rules over highly intelligent and heroic souls, that being one he rules over the whole kingdom, that he gratifies or afflicts (others) according as he is himself gratified or afflicted, and that the whole world submits to one man as to the gods ? Tracing back the story of the origin of kingship to the *Kṛita* Age, the warrior-sage replies that there was at first neither kingdom (*rājya*) nor king (*rājā*), neither chastisement (*daṇḍa*) nor chastiser (*dāṇḍika*), but all the people nevertheless protected themselves by the rule of righteousness (*dharma*) alone. How this condition was followed by the fall of man and the resultant creation of the principles and institutions of the political order by Divine ordination, is told in the following lines. While the people were

thus protecting one another by means of *dharma*, we read, they underwent great affliction : they fell a prey to delusion and lost their right perception (*pratipatti*) and then lost their sense of righteousness (*dharma*) : under the joint influence of delusion and loss of perception they were overtaken successively by the passions of greed, desire and worldly attachment : when they were swayed by the last passion, they no longer knew the distinction between right and wrong acts, and they did not discriminate between lawful and unlawful speech, food and sexual relations : when the world of mortals was thrown into confusion, the *Vedas* (*brahma*) and therefore *dharma* itself were lost: when the *Vedas* were lost, the gods in great alarm sought the protection of Brahmā : they had been reduced, they said, to the level of men through the discontinuance of sacrifices which furnished their means of subsistence, and they prayed for such blessings as might save their greatness derived from the Great God Himself : at their instance Brahmā prepared His archetypal work on the science of polity (*daṇḍanīti*), which was summarised successively by gods and sages for the benefit of mankind : the gods then addressed themselves to Vishṇu and requested Him to ordain someone who deserved the highest place among men, and the Great God accordingly appointed His mind-begotten son Virajas for this task. But the creation of kingship was as yet incomplete. Virajas and his son as well as his grandson, we read, were ascetics who evidently neglected the duty of protection imposed upon them by the Great God : the fourth lineal descendant was a true ruler expert in *daṇḍanīti*, but the fifth though versed in policy (*nīti*) was self-indulgent, while the sixth called Veṇa was swayed by the passions of anger and hatred and was unrighteous towards his subjects. In other words although *daṇḍanīti* was created by the Great God Brahmā expressly for the ruler's guidance, it sat loosely upon the first few generations of the divine nominee for this office, for while it failed to impress itself upon the earlier rulers, the later ones broke loose from its restraints. It was in the seventh generation of this line of rulers that true kingship came into existence. When the sages learned in the *Vedas*, we read, killed Veṇa for his tyranny, they 'churned' his right arm, whence came forth Pṛithu fully armed and versed in the *Vedas* and their auxiliaries, the art of war and the science of polity : when Pṛithu desired to be instructed in the directions to which he might apply his keen intellect, the gods and the sages joined in imposing upon him a number of obligations and a solemn oath about which we shall speak later : it was after Pṛithu had given his assent to these conditions that the demi-gods and the sages became his ministers and assistants : then the gods Vishṇu and Brahmā with the lesser gods headed by Indra as well as the sages joined in his consecration : the seal of Divine sanction was set upon Pṛithu when Vishṇu Himself fixed the king's status so that no one else could surpass him, and still more when He entered the king's person by means of His ascetic power : Pṛithu, the speaker adds, was called 'king' (*rājā*) since all his subjects were gratified by him, and 'Kshatriya' because he protected the Brāhmaṇas from injury.

The epilogue in XII 59 contains Bhīshma's answer to Yudhishṭhira's supplementary question quoted above concerning the basis of the king's authority over his subjects. Discovering this basis in the king's superhuman quality, Bhīshma observes that a person whose stock of spiritual merit is exhausted comes down from heaven to earth and is born as a king versed in the science of polity and the (mere) man being filled with Vishṇu's greatness is endowed with intelligence and acquires lordship (*māhātmya*) : since he is established by the gods, no one transcends him, and everyone submits to him if he acts according to that principle : good deeds lead to good results, and it is for this reason that the world obeys the command of one man although he is its equal. The sage concludes by saying that thenceforth it has constantly been proclaimed by the learned that gods and the lords of men are equal.

Such are the two famous theories formulated by the *Mahābhārata* thinker about the origin of kingship. The two theories, while agreeing on the fundamental principle of Divine creation of the temporal ruler, differ very greatly in detail. The first theory (XII 67), it will be noticed, begins with reference to an original State of Nature which recalls even in its phraseology the picture of wild anarchy envisaged in Kauṭilya's story (p. 116) and differs completely from the idyllic picture in the story of the Buddhist canonist (p. 62). This anarchical State of Nature led immediately to the creation of a social order supported by a series of voluntary sanctions on the part of the people. We have here evidently a parallel to the theory of Social Contract such as is found in a rudimentary form in the corresponding account of the Buddhist canon. At this point the paths of the Brāhmaṇa and the Buddhist thinkers diverge completely. For the former, instead of tracing like the latter the subsequent creation of kingship to a Governmental Compact between the people and a select individual in their midst, derives it from the will of the Creator. Here the story might well have ended, but the Brāhmaṇa thinker must needs add to it however inconsistently a supplementary agreement incorporating with significant modifications the old *Smṛiti* conception of the quasi-contractual relation between the ruler and the ruled and its accompanying sanction. For the agreement, while imposing upon the people the burden of taxation and protection of the king's person, fails to charge him with the reciprocal obligation of protection, which in fact is already imposed upon him by his Divine ordination. What is more, it modifies the *Smṛiti* idea of transfer of the subjects' share of their good and evil *karma* to the king by absolving him from all share in their sins, while guaranteeing to him a disproportionately high share of their merits. Summing up the above, we may state that the above extract involves the doctrine of the king's Divine creation reinforced by the theory of a Governmental Compact of a distinctly unilateral character between the people and the King-designate.

The second theory (XII 59) begins with an original State of Nature which was not (as in the story of Kauṭilya I 13 and in Manu VII 3) a condition of

incessant strife among mortals, nor (as in the story of the Buddhist canon) one of idyllic simplicity and happiness among semi-divine beings. It was instead a condition of peace and order based upon the exceptionally high moral sense of the people concerned. The subsequent description of the thinker marks the culmination of the ancient Indian ideas of the king's Divine creation and his resulting divinity. The original ruler who was not yet a king derived his title to rule, according to the story, from three sources. Firstly, his creation was due to the initiative of the gods undertaken more in their own interest than in the interest of the afflicted people. Secondly, he was created by the will of God the Preserver supplementing the creation of the science of polity by God the Creator. Thirdly, he was himself a mind-begotten son of the Preserver. In the person of Pṛithu, the sixth descendant of the original ruler and the first consecrated king, the principle of the king's Divine creation and 'divinity' received the seal of its final sanction. Owing his miraculous birth to the act of the sages and bound to just rule by the instructions of the gods and sages and his own confirmatory oath, he was consecrated by the high gods supported by the lesser ones. His divine title to rule was completed when the Preserver Himself fixed his status and, what is more, directly entered his person. The moral drawn by the speaker from the above story is that the king derives his authority from his Divine ordination augmented by his absorption of Vishṇu's personality to which is added the minor principle of his good *karma* done in a previous birth.[2]

From the above ideas of Bhīshma about the origin of kingship, let us now turn to his development of the old *Smṛiti* views of the significance of the king's office and functions. In his very first lesson on royal duties Bhīshma explains the fundamental importance of the king's office in the interest of the individual and the community. One should, Bhīshma says (XII 57. 40–51) after a text of an unknown work called *Rāmacharita* of the sage Bhārgava, first have a king and then his wife and afterwards his property, for should there be no king, there would be neither wife nor property. In a second extract (XII 67. 2–16) forming the prelude to his theory of the origin of kingship explained above, Bhīshma indicates the paramount importance of the king's office by drawing an imaginary picture of a State of Nature without a king. A kingless country, we are told, is overwhelmed by robbers : in such a land the people devour one another and those who live cannot enjoy the rights of family and property : one man robs two others and many more rob the two : he who is not a slave is made a slave : the women are forcibly abducted : the strong would roast the weaker 'like fish on a spit', if the king were not to function as wielder of punishment : in such a country the duties (*dharma*) are not observed, and the fire does not convey offerings to the gods.

Still stressing the importance of the king's office, Bhīshma in a third extract (XII 68. 1–47), being asked by Yudhishṭhira about the reason of the king's being called a god by the Brāhmaṇas, quotes the sage Bṛihaspati's reply to King Vasumanas' similar question, 'Through whom do creatures flourish and decay and by honouring whom do they attain exceeding bliss?'

The king, so goes the sage's reply, is the source of the law (*dharma*), for he alone benefits the whole world by maintaining the same. The speaker next by way of illustrating his view of the king's office draws a sharp contrast between an imaginary State of Nature without a king and an ordered society ruled by the king. As creatures, he says, sink in dense darkness without the rise of the Sun and the Moon, as fishes in shallow water and birds in a void spot after roving as they please for a while attack one another with force and meet with swift destruction, so would the people perish without a king, and they would sink in utter darkness like a herd of cattle without the herdsman : without the king's protection the strong would rob the possessions of the weak and slay those who would refuse to surrender the same : no one could say of his property, 'This is mine': the rich would constantly suffer death, confinement and persecution, while the very sense of mineness would be lost, one hand would rob the other, this world would fall a prey to robbers and plunge into a terrible hell : without the king's protection animal-breeding as well as agriculture and trade would cease and the herdsmen would die, while all people being afflicted with fear would perish in an instant and the kingdom would be afflicted with famine : without the king's protection the mother and the father, the aged people, the teacher, the guest and the preceptor would suffer pain and injury, various kinds of weapons would fall upon those practising religious rites, *dharma* would sink, the three *Vedas* would disappear, sacrifices would not be performed, marriages and social gatherings would cease to exist, the Brāhmaṇa ascetics would not study the four *Vedas*, all restraints would be broken and there would ensue the intermixture of castes. With the king's protection, on the other hand, the people sleep in their houses with the doors wide open, women unattended with males and decked with all ornaments walk along the streets without fear, the people practise virtue instead of injuring one another, the three castes perform sacrifices and they study the *Vedas*, the three *Vedas* (*trayī*) which are the support of the people and Economics (*vārttā*) which is their source (of livelihood) flourish and the people are happy. The king, we are told in the concluding lines, assumes the forms of five deities on as many occasions: he becomes Fire when he burns down sinful men with his fierce energy, he becomes the Sun when he keeps a watch on all persons through his spies and does good to his people , he becomes the Destroyer when he destroys hundreds of evil doers with their families, he becomes Yama when he restrains all wicked persons with severe punishment and favours the good, he becomes Kubera when he rewards his benefactors with showers of wealth and snatches away the valuables of his malefactors, when he bestows prosperity upon some and takes it away from others.

In a fourth extract (XII 73. 21–6) quoted by Bhīshma, the Wind-god, addressing King Purūravas on the immunities and privileges of the Brāhmaṇas about which we shall speak later, abruptly passes to a remarkable vindication of the king's office. In a kingless country, we read, the sacrifices on which depends the subsistence of gods, demi-gods, Fathers and men down to snakes

and demons are not performed : while the gods and the Fathers depend for their subsistence upon the sacrifices, these in their turn depend for their security and increase upon the king : the security of *dharma* depends upon the king : the man overcome by fear feels no happiness in the objects of sense, while he who confers immunity from fear acquires high merit, and no gift is greater than the gift of life. The speaker concludes with a high eulogy of the king identifying him no doubt in the light of the above explanation with the different deities. The king, we read, is Indra, he is Yama, he is the Lord, he is the Law personified, he assumes different (divine) forms, he upholds all.

We may take up in the last place a group of extracts relating to the composite influence of the temporal ruler upon his environment. The *Kṛita*, the *Tretā*, the *Dvāpara* and the *Kali* Age-cycles, says the sage Utathya (XII 92. 6) in a quotation by Bhīshma, all these are (the manifestations of) royal behaviour, and the king is held to be identical with the Age-cycle (*yuga*). The *Kṛita*, *Tretā*, *Dvāpara* and *Kali* Age-cycles, says Bhīshma (XII 139. 10) similarly in the course of an address on the king's behaviour in evil times, have their roots in the king. In a third extract (XII 70. 6–25) Bhīshma, after emphatically declaring the king to be the maker of his epoch (*kāla*), explains that the *Kṛita*, *Tretā*, *Dvāpara* and *Kali* Age-cycles arise according as the king applies his Art of Government (*daṇḍanīti*) in full, or gives up one-fourth or one-half of it, or abandons it altogether.

The above extracts carry forward the ideas of the high significance of the king's office and functions beyond the point reached so far in the history of our ancient political thought. Going further than Manu who takes the king's office to be the symbol of that of the divine ruler, Bhīshma declares it in the first place to be the foundation of individual security, (comprising the security of person and property), as well as the stability of the social order, the basis of the great institutions of family and property, the support of the fundamental law of the social order, and the guarantee of the normal functioning of the social, the economic and the religious activities of the people. Again not only are the king's functions declared, as in Manu, to be parallel to those of multiple deities, but he is held thereby to be equivalent to them. Thirdly and lastly, the king is declared to be the maker of his epoch not in a general sense (as in Manu) through the degree of fulfilment of his functions, but specifically through the degree of his application of the science of polity. (For references in Manu see above, p. 164.)

As a corollary of the above view of the triple basis of the king's authority in his origin, his office and his functions, Bhīshma develops the old *Smṛiti* principle of the subjects' obligation towards their ruler. In the first extract (XII 67. 2–36) quoted above which relates to the origin of kingship, Bhīshma begins by emphatically stating that the foremost duty of the inhabitants of a country (*rāshṭra*) is the consecration of a ruler. Indra himself, it is explained, is consecrated in the person of the king, and like Indra, again, the king should be honoured by one desiring his own welfare. After showing in

the next place the evils of an imaginary State of Nature without a king as described above, the speaker illustrates his lesson by reference to a concrete problem. Should countries where there are no kings or where the kings have been slain, he says, be overrun by a powerful invader with an eye to conquest, the people should welcome and honour him : there is nothing more evil than a kingless country : should the powerful invader behave with equity everything would be for the good, but if he is provoked he would destroy everything : a cow suffers no torture when easily milkable, and wood does not require to be heated when bending of its own accord : the people, therefore, should bend before the strong, such an act being equivalent to bending before the god Indra. In the ensuing account of the origin of kingship, as we have seen, the people are said to have bound themselves by a voluntary agreement to support the king with men and money as well as a share of their spiritual merit. At the conclusion of his account the speaker, after instructing the people first to select a king for their protection, observes that they should constantly salute him respectfully as disciples salute their master and as the gods salute Indra, and that they should make gifts of various articles to the king. A king who is honoured by his own people is very much respected even by his enemies, while one who is despised by his subjects is overpowered by them : should the king, again, be overpowered by the enemy, all would become unhappy.

In the second extract (XII 68. 37–59) the sage Bṛihaspati, after explaining (as stated above) the high significance of the king's office from the standpoint of the weal and woe of the people, points out their obligation towards him. Who will not, he asks, honour the person without whom the creatures do not exist and through whom they exist ? He who does what is agreeable and beneficial to the king and who shares the king's burden, we are further told, wins both this world and the next, while he who even in thought does harm to the king doubtless suffers pain in this world and goes to hell hereafter. Even an infant king, says the speaker in the words of Manu (VII 8), must not be despised from an idea that he is a mere mortal, for he is a great deity in human form. In the concluding lines the speaker after declaring the king (as above stated) to assume five divine forms according to his different functions, returns to the subject of the people's obligation towards their ruler. The clever and industrious man desiring lawful gain, we are told, must not spread evil reports about the king : one acting against the king's interest, be he the king's son or brother or boon companion or like his own self, can never be happy : fire fanned by wind may leave a remnant, but nothing is left of one who incurs the king's wrath : one should turn away from stealing what belongs to the king as from death itself : one who appropriates the king's property perishes like deer touching poison : those who rob the king's property sink for ever into a deep and terrible hell. The sage concludes with other admonitions urging the subjects to honour their ruler and seek his protection, but these do not add anything to the argument.

In a third extract (XII 65. 28–31) the god Vishṇu in the form of Indra concludes his miscellaneous discourse to King Māndhātā with a short but emphatic plea in favour of the people's obligation towards their ruler. If a man, we read, despises the king who is, as it were, the great preceptor of the world, his gifts and offerings in honour of the gods and the Manes become fruitless : the gods themselves very much respect the lord of men who is, as it were, an eternal deity : the Divine Lord of creatures (Brahmā) who created the world intended the Kshatriya for promotion of duties (*dharma*) and prevention of their violation : he who aided by his understanding supervises the course of these duties deserves to be honoured and worshipped.

The cumulative effect of the above extracts is to develop the *Smṛiti* principle of the subjects' obligation towards their ruler beyond the point reached so far by our ancient thinkers. The subjects' foremost obligation, we are told, is the consecration of a king so that even a powerful invader is welcome in the event of there being no king. This is justified by a twofold principle likewise known to Manu (p. 164), namely, the conception of the king's office as the symbol of that of the divine ruler and that of the king's possession of irresistible force capable of crushing all opposition. The subjects, we read in the second place, are bound by severe moral and spiritual sanctions not only to honour their ruler, but also to respect his rights of property and to support his authority. This is based upon a number of well-known principles such as the conception of the king's Divine creation and his 'divinity' and the significance of his office as the safeguard of internal and external security as well as of fulfilment of individual obligations.

OBLIGATION OF THE TEMPORAL RULER

From the above account of Bhīshma's ideas relating to the authority of the temporal ruler let us turn to his views of the complementary principle of the ruler's obligations towards his subjects. This follows the three lines of the early *Smṛiti* thought mentioned above (p. 50), namely, the divine, the ethico-religious, and the quasi-contractual. It is under the first head that we may trace the most characteristic development of Bhīshma's thought as of that of Manu. Thus in one place (XII 73. 7) Bhīshma, while repeating the old Vedic dogma of creation of the four castes out of different limbs of the Creator's body, observes that He created the Kshatriya, the wielder of force (*daṇḍa*), the protector of the world for the purpose of benefiting the people. In the stories of the origin of kingship (XII 59 ; 67) told above we have seen how the divine purpose of the king's creation is declared to be the necessity of rescuing the people from the evils of an anarchical State of Nature. This purpose is expressed more completely in the former story in connexion with the account of Pṛithu's selection as king (XII 59. 107–16). Pṛithu, we are told, was instructed at his own desire by the gods and sages about his royal duties : he should fearlessly perform acts based on Law (*dharma*) by giving up his likes and dislikes, by behaving impartially towards all creatures and by casting off the passions of pleasure, anger, greed and

pride. He should punish with his own hands any one disregarding his duties, and he should observe the eternal Law. Furthermore he should take an oath (*pratijñā*) in the following terms. He must constantly protect the earth in thought, word and deed as if it were Brahman : he must fearlessly perform what is 'indicated for a righteous conduct of life and endorsed by *daṇḍanīti*' (science of polity) (S.K.B.), and he must never act according to his own will : he must recognise the Brāhmaṇas to be exempt from punishment, and he must save the world from all intermixture (of castes and duties). These extracts indicate protection to be the fundamental purpose of the king's Divine creation. In the particular case of Pṛithu, he is stated to have been bound by a twofold agreement imposed upon him by the gods and the sages. By his instrument of instructions he was to adopt the rule of law based upon strict impartiality and absolute passionlessness. By his oath he bound himself to observe some fundamental principles of government after the author's standards. These relate to the king's complete protection of the Brahmanical canon and total observance of its approved scheme of social order based upon the immunity of the Brāhmaṇa's person and the distinction of inter-caste relations, as well as the king's observance of the political order founded upon the science of polity.

The second principle of the king's obligation is based by Bhīshma after the early *Smṛiti* pattern upon the doctrine of supremacy of the law of the social order. We shall illustrate this point by two examples. Bhīshma in one place (XII 60. 14), while enumerating the duties of the four castes, includes protection of the people among the distinctive duties of the Kshatriyas. In another place (XII 72. 26–7) Bhīshma concludes a lesson on the king's righteous ways of protecting his people with a high eulogy of the same : when the king protects the people and shows compassion to creatures, we read, that is declared by those conversant with the law to be the highest duty.

The third and the last principle of the king's obligation, namely, that which is based upon the conception of a quasi-contract between the ruler and his people, is only hinted at by Bhīshma. He who raises and spends one-sixth share of the produce as the agricultural tax but fails properly to protect the people, says a wise bird (XII 137. 96) to a king in a fable quoted by Bhīshma, is a thief among kings. In another passage (XII 72. 10) the speaker advises the king to acquire his revenue by his wage (*vetana*) as prescribed by the canon.

While referring to the *Smṛiti* principle of the king's obligation of protection just mentioned, Bhīshma characteristically enough quotes a number of masters of the technical science of polity as his authorities. This testifies once more to his conception of the high (almost canonical) status of the science of polity. Thus while declaring in one place (XII 57. 42–5) protection alone to be the eternal duty (*dharma*) of kings, he quotes two striking verses from the work of Prāchetasa Manu on *rājadharma*, which may have been affiliated to the lost *Arthaśāstra* work of the school of Manu cited a number of times by Kauṭilya. These verses include the king in a list of six persons

who should be shunned like a split boat at sea. Protection, Bhīshma says more directly in the following lines (XII 58. 1–4), is the cream of kingly duties, and he supports this view by the unanimous testimony of 'the seven makers of the kingly science' who have been mentioned above.

Bhīshma supports his plea for the king's obligation of protection by developing the old *Smṛiti* principle of moral and spiritual sanctions based primarily upon the law of *karma* (above, pp. 52–3). By protecting the subjects, we read in one place (XII 66. 35), the king earns a hundred times as much spiritual merit (*dharma*) as is acquired by one living in the forest or in the orders. Of what avail, it is asked in another extract (XXII 69. 71), are austerities and sacrifices to a king whose subjects are not protected, for all his merits are reduced to nought ? The king attains to heaven to a great or to a limited extent or according to the measure of his merits or incurs heavy sin or rots in hell for innumerable years, we are told in a third extract (XII 70. 26–8), according as he creates the *Kṛita*, the *Tretā*, the *Dvāpara* or the *Kali* Ages. The sin which a king commits in a single day by neglecting to protect his subjects against fear, we are told elsewhere (XII 72. 28–9), is expiated after a thousand years, while the merit which he earns in a single day by justly protecting them is enjoyed in heaven for ten thousand years. In yet another extract (XII 137. 96–106) the speaker, after directing the proper application of the agricultural tax of one-sixth of the produce and condemning as a thief among kings one failing in his obligation of protection, draws the following contrast. When the king after himself giving an assurance of protection fails to make it good, that ruler of sinful understanding takes upon himself the sins of all people and goes to hell : but he who having given this assurance constantly fulfils it is regarded as a universal benefactor because of the righteous protection of his subjects. In the following lines the speaker, after comparing 'the seven attributes of a king' (namely, showing compassion, cherishing the poor, scorching and restraining enemies, making gifts to friends, imparting moral instructions and giving protection) with those of the father, the mother, the preceptor, the protector, Fire, Kubera, and Yama respectively, repeats the usual sanctions. When the king delights his subjects with his qualities and he himself looks after their affairs, his kingdom becomes stable, and he enjoys happiness both here and hereafter : when the king's subjects prosper 'like large lotuses in a lake', he enjoys the fruits of all sacrifices and is honoured in the world : on the other hand the king suffers defeat when his subjects are constantly filled with anxiety and burdened with taxes and overwhelmed by evils. In the above extracts Bhīshma, like Manu in the parallel passage quoted on p. 166, completes the old *Smṛiti* theory of sanctions in support of the ruler's obligation of protection. For he accompanies his promise of spiritual rewards and penalties with the prospect of temporal ones according as the king fulfils or fails to fulfil this obligation.

A principle of the king's spiritual sanctions repeated by Bhīshma as by Manu on the basis of the old *Smṛiti* ideas is that of the double transfer

of the people's *karma* to the king in return for his reaction to his obligation of protection. But there is one important difference between the ideas of the two authorities. Manu awards the king (above, p. 166) evidently with reference to his traditional share of the agricultural produce, one-sixth of the merits and demerits of his subjects according as he does and does not protect them : by contrast Bhīshma (XII 66. 26 ; 67. 26 ; 73. 20 ; 76. 6–8 ; 89. 17 ; XIII 61. 34–6) fixes the king's reward for protection as one-fourth of the merits of the subjects, while he mentions one-fourth or one-half or even the whole of the subjects' demerits as the king's penalty for his non-protection. This may be taken to indicate Bhīsma's sense of the king's graver responsibility towards his subjects in comparison with the former thinker.

We may consider in the present place Bhīshma's discussion (XII 79. 34–43) of a problem bearing upon the king's claim to the obedience of his subjects. The problem which was probably suggested by the political chaos caused by the barbarian invasions and settlements in North-Western India during the two centuries preceding and following Christ, is set by Yudhishṭhira in the form of a dilemma. When robbers are in the ascendant, it is asked, 'when intermixture of castes is permitted for the sake of enhancing the Kshatriya power' (S.K.B.), when the castes are in confusion, if any other powerful man, be he a Brāhmaṇa, a Vaiśya or a Sūdra, grows in power, and if he justly protects his subjects against robbers, should he be allowed to function or not ? For, as Yudhishṭhira explains, no one other than the Kshatriya is entitled according to the canon to take up weapons. The question in this case, then, is one of conflict between two principles, one based upon canonical authority restricting the occupation of fighting (and ruling) to the Kshatriya, and the other upon the force of circumstances placing the non-Kshatriya in the position of a saviour of the community from anarchy. Bhīshma's answer is a decisive and emphatic plea in favour of the latter principle. He who becomes a raft on a raftless current, a means of crossing where there is none, we are told, be he a Śūdra or a man of any other caste deserves to be respected in all ways, and he under whose protection the helpless people afflicted by robbers find happiness must be honoured like one's own kinsman. The speaker clinches his argument by a number of homely but very striking similies. What is the use, he asks, of a bull that is unable to bear burdens, of a cow that does not give milk, of a wife who is barren, and of a king who does not give protection ? Like an elephant of wood, a deer made of skin, a chariot without axle, a field that is barren, is a Brāhmaṇa who does not study the *Vedas* as well as the king who does not give protection : these are all useless like a cloud that does not pour rain. On the other hand, he alone who constantly protects the good and restrains the wicked should be made a king, for such a one supports everything. The above extract involves the principle that the king's fulfilment of his obligation of protection is in the last analysis the only justification for his office and that any one satisfying this condition is entitled as such, irrespectively of the canonical authority, to the people's obedience.[3]

THEORY OF COERCIVE AUTHORITY OF THE TEMPORAL RULER

In so far as the old *Arthaśāstra* principle of the king's coercive authority (technically called *daṇḍa*) is concerned, Bhīshma's ideas correspond broadly to those of Manu. Introducing his series of questions about *daṇḍa*, Yudhishṭhira (XII 121) observes that *daṇḍa* is the lord on whom depends everything, and that the omnipresent *daṇḍa* is the foremost among all beings from the gods and the sages down to the birds and the beasts. Bhīshma in reply describes the status and function of *daṇḍa* in words surpassing the powerful description of Manu (above, pp. 167–8). *Daṇḍa*, we read, is a mighty Deity with multiple forms, weapons and names corresponding to its diversified nature, and it comprises within its scope multiple and even contradictory qualities : *daṇḍa*, in fact, is the great god Nārāyaṇa : should there be no *daṇḍa*, the people would grind one another, and it is through fear of *daṇḍa* that they do not kill one another : when the people are constantly protected by *daṇḍa*, they enhance the might of their ruler, and therefore *daṇḍa* is held to be the refuge of all. The most important aspect of the speaker's discourse is concerned with the mutual relation of *daṇḍa*, law (*dharma*), and the king. He who properly protects the people with *daṇḍa* that is well directed and applied impartially towards friend and foe, we read, is verily the embodiment of *dharma* : the Lord verily gave the king *daṇḍa* and political authority : the Lord Himself with great care gave the Kshatriya *daṇḍa* which is 'equitably operative' (S.K.B.), and there is nothing so conducive to the teaching of *dharma* and so deserving of honour by kings as *daṇḍa*. Dividing *daṇḍa* into two classes, namely, that which depends upon the *Veda* (*vedapratyāya*), and that which depends upon the litigant (*bhartṛipratyāya*) and is administered by the king in the final resort, the speaker explains their difference in the following way. 'Brahmā (Prajāpati) has laid down the *Veda* or the *dharma*, the ultimate object of which is the undisturbed continuity of the established and eternal order of things : the *daṇḍa* is the means placed in the hands of the king for the smooth running of all human affairs on the path of *dharma*': therefore the latter type of *daṇḍa* 'which ensures the peaceful regulation of human affairs, and which is endorsed by *Śruti*, *Smṛiti* and Divine will, can alone be permitted to prevail' (S.K.B.).

Some further ideas about *daṇḍa* are found in the following chapter (XII 122) containing Bhīshma's quotation of a discourse of King Vasuhoma who is said significantly enough to have studied all the doctrines of Bṛihaspati and learnt the work of Uśanas. When Brahmā entered on a long sacrificial session and assumed as such a mild form, we are told, *daṇḍa* disappeared from existence. With its disappearance there took place an intermixture of castes and duties : all distinctions between proper and improper acts as well as between lawful and forbidden food, drink and sexual relations ceased to exist : there was no distinction between one's own and another man's property : like dogs snatching at a piece of meat the people plundered one another : the strong slew the weak. Then the Grand-sire (i.e., Brahmā)

approaching God Vishṇu implored Him to arrange matters so that there might no longer be an intermixture (of castes): the Great God created Himself in the form of *daṇḍa* and followed this act with the creation of rulers for various orders of beings: then *daṇḍa* 'the safeguard of the law' was transmitted through a succession of gods and sages till at last the Patriarch Manu, son of the Sun, gave it to his sons (namely, mankind). We may quote lastly a short extract (XII 138. 7–8) occurring in the course of the sage Kaṇiṅka Bhāradvāja's address mentioned above. Here the sage asks the king in the words of Manu (VII 102–3) to be constantly ready to inflict *daṇḍa*, for the whole world stands in awe of one who is ready to apply the same.

In the above extracts *daṇḍa* is first conceived in general terms (as in the important passage of Manu quoted above) to be a fundamental political principle as well as a divine institution which is in fact identical with the High Deity. It is held to have been ordained by the Deity for the king's benefit and to be supported besides by the authority of the Sacred Canon. The above conception of the exceptional status of *daṇḍa* is justified as in Manu by its high function. *Daṇḍa*, we read, is the safeguard of individual security (comprising the security of person and property) as well as the stability of the social order. The key to this function is found in the old *Arthaśāstra* principle (above, p. 86) that fear of *daṇḍa* is the grand motive for the individual's obedience to authority. In the second place we read that the purpose of the divine ordination of *daṇḍa* in the king's favour is the fulfilment of law, thus clarifying the function of the former as the instrument for fulfilment of the latter. Thirdly, we are told that the qualifications required for the king's use of *daṇḍa* are discrimination and impartiality, a conception which involves as in Manu the application of the *Arthaśāstra-Smṛiti* principle of the technical qualifications of the ruler to this branch of the king's government.

It remains to mention the influence exercised upon Bhīshma's rules of State law by the joint principle of the authority and obligation of the temporal ruler. In one extract (XII 57. 5–7) Bhīshma asks the king to slay without hesitation a person acting against the interest of his kingdom, be he his preceptor or friend, and further to abandon even his preceptor if he is evil. The first lesson is repeated by the sage Kaṇiṅka Bhāradvāja (XII 138. 47–8) in the course of his address to be quoted hereafter. He who has conspired to kill the king, says Bhīshma in a third extract (XII 86. 21) in the course of an enumeration of penalties for offences, should be put to death with torture. In the chapter (XII 121) dealing with Bhīshma's exposition of the principle of *daṇḍa* the warrior-sage concludes his speech (ibid. 57) with the words (repeated from Manu VIII 335) that no one, whether the mother, or the father, or the brother, or the wife, or the domestic chaplain, is immune from the king's punishment, if he or she has failed to observe the proper duties. On the other hand we are told (XII 76. 10) that the king failing to recover property stolen by thieves must pay its value out of his

own treasury : this is subject to the important qualification that 'the king has the wherewithal to live upon' (S.K.B.). The above extracts, it will be observed, repeat on the one hand the old *Arthaśāstra* law of treason and on the other hand the old *Smṛiti-Arthaśāstra* rule of law making the king liable for protection of the property of his subjects (pp. 51, 117–18). The former principle is strengthened by the dictum that the death penalty is irrespective of the offender's claim upon the respect or affection of the king, while the latter principle is qualified by the requirement of public policy.

CIVIL RIGHTS OF SOCIAL CLASSES AND THE COMMUNITY

In so far as the old *Smṛiti* principle of class rights is concerned, Bhīshma's ideas mark some important developments in comparison with those of Manu (above, p. 174). Manu, while solemnly warning the king against the consequences of his misrule, is silent about the part of the community (other than the Brāhmaṇas) in resisting the evil ruler. The case is otherwise with Bhīshma. In an enumeration of six persons who should be abandoned like a split boat at sea, Bhīshma (XII 57. 44–5) includes, as we have seen, the king who fails to give protection. The bad king is included in a similar enumeration (XII 137. 89–90) of persons and places that should be shunned from afar. A bolder line is taken up in other passages. The king whose ministers are dishonest and sinful and who is the destroyer of righteousness (*dharma*), says the sage Vāmadeva in a quotation by Bhīshma (XII 93. 9), deserves to be slain, and he quickly languishes with his family. More remarkable is another passage (XIII 61. 31–3) which is singularly out of tune with its context relating to the rules of charity. Here the speaker first declares the king in whose kingdom women are forcibly abducted amid the lamentations of their husbands and sons to be more dead than alive. Then he says that the people (prajāḥ) should arm themselves and kill a king who does not protect them, who plunders their wealth, who obliterates all distinctions, who is incapable of taking their lead, who is without compassion and who is evil incarnate among kings. When the king fails to protect the people after giving them his word for protection, the speaker concludes, they should combine together and slay him like a mad dog that is afflicted with the rabies.

The civil rights of the community (and especially of the Brāhmaṇas) in a grave political emergency are systematically dealt with by Bhīshma in another remarkable chapter (XII 79). This was probably suggested by the troubles of internal disintegration and foreign subjection befalling the States of Northern India in the first two centuries before and after Christ. The first extract (ibid. 12–18) relates to the behaviour of the community (including the Brāhmaṇas) in a grave political crisis. When all people take up arms in disregard of their respective duties, asks Yudhishṭhira, when the strength of the Kshatriya power is on the wane and when the king ceases to function as protector, what should be their refuge ? At such a crisis, Bhīshma replies, the castes headed by the Brāhmaṇas should seek their own salvation by

means of gifts, austerities and sacrifices as well as benevolence and self-restraint. Referring specially to the Brāhmaṇas, the speaker observes that those among the castes who are strong in the knowledge of the *Vedas* should rise up on every side and increase the king's strength (like gods enhancing the might of Indra). The wise king, it is explained, should recover his position by the strength of the spiritual power (*brahma*) alone, for this is the only support of a king with declining strength. The castes, concludes the speaker, follow their respective duties when the king having won victory over his opponents makes his kingdom prosper, but all castes may take up arms with impunity when disorder has set in and intermixture has been caused by robbers.

The second extract (ibid. 19–33) is concerned specifically with the behaviour of the Brāhmaṇas in a conflict with political authority. Should the temporal power (*kshatra*) become completely hostile to the Brāhmaṇas, Yudhishṭhira asks, what Brāhmaṇa would be left as its saviour, and what duty and whose refuge should then be followed ? The Kshatriya, Bhīshma replies, should be constantly restrained (by the Brāhmaṇa) by means of austerities and continence, weapons and physical might, candour and deceit. The spiritual power (*brahma*) alone, Bhīshma continues in the words of Manu (IX 320–21), must restrain the temporal power (*kshatra*) when it has grown overbearing especially towards Brāhmaṇas, for the spiritual power is the source of the temporal. Water, the speaker explains, is the source of fire, the spiritual power is the source of the temporal and stone is the source of iron, and the all-penetrating force of these three is extinguished at their source. From the above description of the Brāhmaṇa's measures of active resistance in a grave political crisis the speaker next turns to his account of the Brāhmaṇa's measures of defence. When the strength of the spiritual power, we read, is on the wane and that of the temporal power is weak, when all castes are filled with hostility towards Brāhmaṇas, those who die in battle in defence of Brāhmaṇas as well as of righteousness and their own selves, win high regions of bliss, and therefore all persons should take up arms for the sake of Brāhmaṇas. This is followed by a vigorous eulogy in favour of heroes who lay down their lives in fighting, especially in defence of Brāhmaṇas. In the following lines the speaker states that unrighteousness becomes righteousness or both the one and the other under the influence of place and time, and he quotes the example of Brāhmaṇas who win high heaven (even) by committing cruel acts and of Kshatriyas who attain high felicity (even) by committing sin. From this he concludes that the Brāhmaṇa does not incur blame by taking up arms on three occasions, namely, when he has to protect himself, when the castes are in danger of confusion, and 'when a fort is as it were under martial law' (S.K.B).

In the above extracts Bhīshma and his mentors, going beyond the *Smṛiti* tradition (above, p. 54) which guarantees to the upper classes a few fundamental private rights, credits those classes as well as the whole community for the first time with a number of public rights. In the first place,

our authors not only justify the passive resistance of the subjects against the bad or the incompetent ruler by withdrawal of their obedience, but they also condone or even approve of the active resistance of the latter against a particularly evil ruler to the point of slaying him by armed rebellion. Secondly, in the event of a complete breakdown of the political authority, Bhīshma advocates the double remedy of mass uprising by violent as well as non-violent means and the invigoration of the temporal power by the spiritual. These rules seem to involve the tacit or express application of three fundamental *Smṛiti* principles, (a) the individual's primary right of self-preservation, (b) the king's primary obligation of protection in accordance with the law of his order (failing which he logically becomes an outlaw liable to be killed with impunity by his subjects) and (c) dependence of the temporal power upon the spiritual. In so far as the Brāhmaṇas are concerned, Bhīshma amplifying the ideas of Manu (above, p. 174) mentions some private and public rights to which they are entitled. These are concerned in the first place with the Brāhmaṇa's claim, as just mentioned, to invigorate the king's authority with his own in the event of a breakdown of the temporal power as well as his right to offer a total resistance (involving the application of violence as well as non-violence, straightforwardness as well as deceit) against the evil ruler. In the second place, Bhīshma asserts the Brāhmaṇa's claim to be defended by others during a collapse of the social and the political order, while he permits the Brāhmaṇa to take up arms in his own defence and in defence of the social and the political order. These claims are justified by the application of familiar principles. Thus the Brāhmaṇa's right of resistance is based upon the doctrine of derivation of the temporal power from the spiritual, leading to the view that the latter is innocuous against the attack of the former. Again the Brāhmaṇa's right to take up arms is defended, apart from authoritative example, by the principle of the relativity of righteousness with which may be compared the *Smṛiti* principle of the relativity of the law of the social order (p. 158).[4]

A CRITICAL ESTIMATE OF BHĪSHMA'S AND MANU'S DOCTRINE OF THE KING'S DIVINITY

Let us consider here the doctrine of divinity of the king which forms such a striking and distinctive feature of Bhīshma's, as of Manu's (above, p. 163), theory of kingship. In Bhīshma's second theory of the origin of kingship (XII 59) quoted above, we have seen how Pṛithu is declared to have been endowed by God Vishṇu with His own essence with the result that the kings thenceforth became indistinguishable from the gods. This evidently involves a more emphatic expression of the idea of the king's divinity than that of Manu who holds the king to be a compound of particles of the Regents of the Quarters by Divine Creation. To the above we may add the less conclusive doctrine of Bhīshma and Manu declaring or implying the king to be equivalent to multiple deities by parity of functions. And yet it is correct to state that Bhīshma like Manu repeats and develops some fundamental

principles of the old *Smṛitis* which tend to offset and considerably to modify, the conception of the king's divinity. The king in the first place is subject to the canonical law of his order which imposes upon him his bundle of duties including above all his obligation of protection of his subjects. Secondly, the king's authority over his people is subject to the rule of State law so that while his proprietory rights over them are qualified by its civil clauses, he is liable to its penal clauses in a greater measure than themselves. Thirdly, the sanction for enforcement of the king's canonical obligations towards his subjects is found above all in the inexorable law of *karma* awarding the king his rewards or penalties according as he does or does not fulfil those duties, not to speak of the usual moral and spiritual rewards and penalties. Fourthly, according to Bhīshma, the community is justified in its resistance against the incompetent or the evil ruler. Fifthly and lastly, according to Bhīshma as well as Manu, the Brāhmaṇa has the right of resistance against an evil ruler principally on the ground that the spiritual power is the source of the temporal power. It therefore follows that according to the ideas of Bhīshma and Manu, although the king is in outward form a divinity of superior or inferior grade, he is essentially subject to the rule of law (alike that of his own social order and that of the State) which is reinforced by the operation of the doctrine of *karma*, while the resistance of the community is justified by its fundamental right of self-preservation and that of the Brāhmaṇas by virtue of the derivation of the temporal power from the spiritual.

IDEAS OF PROPERTY

Bhīshma's ideas of property amplify the two counterbalancing principles in Manu's thought (above, p. 175), one tending towards its security on the sure foundation of State support, and the other involving its limitation on the score of capacity of its owner. Thus on the one hand we find that Bhīshma, still more than Manu, recognises, among the characteristics of a State of Nature without a king and the consequences of a king's non-application of *daṇḍa*, the evil of a complete extinction of the idea of property. On the other hand Bhīshma goes beyond Manu in his view of the limitations of the ownership of property. The king, we read in one passage (XII 57. 21), must never take away property from the hands of the good, but he should seize the same from the wicked to bestow it upon the good. That man, we are told in another place (XII 130. 4-5) in the words of Manu (XI 19), is conversant with the whole body of duties who takes away the wealth of the wicked to bestow it upon the good and thus makes himself (as it were) a boat for carrying both (over the sea of misfortune) : interpreting the above for the benefit of the king's treasury the speaker observes that the king may seize even what is not given to him and may regard as his own what is given, provided he does not thereby endanger his own position by rousing the intense indignation of his subjects. Elsewhere (XII 72. 21–2) we are told that when the king's treasury is exhausted, he may strive to take away by the art of conciliation the wealth of those who are not Brāhmaṇas, but he must not let his heart be moved

with greed even in a time of grave distress on looking at Brāhmaṇas possessed of wealth. In a fresh extract (XII 77. 7–10) Bhīshma, after classifying Brāhmaṇas into six grades (namely, those equivalent to Brahman, the gods, Kshatriyas, Vaiśyas, Śūdras, and Chaṇḍālas), observes that the righteous king should exact the agricultural tax and forced labour from those who do not study the *Vedas* nor make offerings to the sacred fire, while he who is suffering from financial distress should exact agricultural tax from those who are employed to summon the people, who perform worship for a fee, who live by consulting the stars and perform sacrifices for a whole village and who wander about for trade and other purposes. This leads the speaker to lay down the sweeping and dangerous doctrine (repeated in XII 78. 2) that the king is the owner of the wealth of those who are not Brāhmaṇas and of those Brāhmaṇas who do not follow their duties. In yet another place (XII 128. 20) we are told that the Kshatriya whose means of livelihood is closed to him is entitled to seize all property other than that of ascetics and Brāhmaṇas. While the king must not seize the property of the gods and of those devoted to the performance of sacrifices, we read in the last extract (XII 134. 2–4), he may seize the property of robbers and of those negligent of their religious duties.

The above ideas relating to a king's seizure of the property of sinners are supported by two arguments, one based upon the prerogative of the Kshatriya (or the king), and the other upon the moral capacity of the owner. Thus on the one hand we are told (XII 128. 27) that the Kshatriya is declared to be the destroyer as well as the preserver of his people, and therefore the Kshatriya man in the discharge of his duty of protection may seize the property of others. These subjects, we read elsewhere (XII 134. 3–4), may be protected as well as devoured by the Kshatriya, and the wealth here belongs to the Kshatriya and no one else, to be used by him for the purpose of maintaining his army or of performing his sacrifices (or to put it more generally, for the fulfilment of his temporal or spiritual needs). On the other hand we read (XII 130. 3) that everything here is for the good and nothing for the bad. It is, we read in a fuller extract (XII 134. 4–9), by cutting off useless creepers and plants and using them as fuel that eatables are cooked : ownership in the case of one who neglects to worship gods, Manes and men with libations of clarified butter is declared to be void of purpose, and the righteous king may seize this wealth : plants and creatures and even some beings possessing the faculty of speech are born in evil and thence unrighteousness becomes rampant, and by treating the unrighteous as one treats gnats and mosquitoes and ants, righteousness is achieved.

These extracts involve a double set of principles. Firstly, we are told that the security of property is one of the fundamental attributes of the State. Secondly, we read that the State nevertheless is justified in seizing the property of sinful men on the twofold ground that the king is invested with supreme authority over his subjects and that ownership is founded upon virtue after the canonical standards interpreted in the last instance

so widely as to exclude all but pious and dutiful Brāhmaṇas from its benefit.

THEORIES OF GOVERNMENT

Bhīshma's views regarding the theories of government, like those of Manu (above, pp. 176–8), are evidently borrowed from the old *Arthaśāstra* tradition, but they have still less claim to originality than those of the latter authority. He repeats, as we shall presently see, lists of qualifications of the temporal ruler which are sometimes supported, characteristically enough, by the authority of the old masters of the *Arthaśāstra*. As regards the officials Bhīshma like Manu justifies their office by the old *Arthaśāstra* principle of the difficulty (if not impossibility) of one-man administration. Even a slight undertaking, says Yudhishṭhira (XII 81. 1) in introducing his question about the qualifications of the ministers, is difficult of accomplishment by one man, how much more a kingdom ? The qualifications of ministers and other officials are repeatedly (XII 57. 23–5 ; 81. 26–30 ; 84. 1–54 ; 86. 7–10 ; 116. 19–22 ; 118. 1–15 ; 119. 1–19) dealt with by Bhīshma, but it is not possible to analyse them here. In the chapter (XII 81) from which we have quoted above Bhīshma discusses in the light of a remarkable analysis of human psychology the problem of a king's attitude towards his friends and officials. Of four classes of friends, he says, one who is such by identity of interest and one who is so from some cause are always to be suspected, while one who is a friend from affection and one who is a natural friend are the best : nevertheless they are all to be suspected and the king should personally attend to his affairs. Justifying this policy the speaker says that men are fickle-minded, a good man turning into a bad one and vice versa, and an enemy turning into a friend and vice versa. While complete trust, the speaker sums up, is destructive of the twofold end of life (Virtue and Wealth) and amounts to premature death and a man trusting another lives by his sufferance, distrust is not distinguishable from death : the eternal rule of policy and the source of prosperity of the State consists in the king's trusting as well as distrusting others. In the above context Bhīshma asks that neither two nor three (officers) should be appointed (to the same post) for they would not then tolerate one another : persons set to the same task, it is explained, always disagree with one another. This involves an important principle of administrative organisation relating to the appointment of single officials (instead of boards) to the same post in the interest of successful administration. It remains to mention that Bhīshma in other passages (XII 84. 47–54 ; 104. 25 etc.) repeats the old *Arthaśāstra* ideas of the fundamental importance of counsel and the necessity of guarding its secret.

CHAPTER TEN
NOTES

[1] The initials S.K.B. used throughout this and the following chapters are an abbreviation for Dr S. K. Belvalkar's *Notes* to his critical edition of the *Śāntiparvan* section of the *Mahābhārata*.

[2] It may be mentioned in connexion with the above that the *Mahābhārata* references to Manu and Pṛithu as the two original kings help to connect the author's theories with the old Vedic tradition which recognises Manu as the father of the human race and Pṛithu, son of Veṇa, as the one who was consecrated first of men (*vide Vedic Index*, s.v. Manu, and *Śatapatha Brāhmaṇa* v 3.5.4).

[3] The contrary explanations of the theories of kingship in the *Mahābhārata* by Dr K. P. Jayaswal (*Hindu Polity*, 3rd ed., pp. 82–5) and Dr D. R. Bhandarkar (*Some Aspects of Ancient Hindu Polity*, pp. 127–68) have been fully discussed in the writer's paper *On some recent interpretations of the Mahābhārata theories of kingship* (IHQ, Dec. 1955). The principal arguments may be summarised here. According to Jayaswal, *Mahābhārata* XII 59 and 67 convey 'a derision' by 'the political writers of Hindu India' of 'the idealistic constitution styled the non-ruler (*arājaka*) with no man-ruler, but with Law as the ruler', which was 'an extreme democracy almost Tolstoyan in ideal.' Now in the first place the cumulative evidence of *Mahābhārata* XII. 67. 3f. *Rāmāyaṇa* (II 69 Gauḍīya recension; ibid., 73 North-West recension; ibid., 67 Southern recension), and Manu VII.3 pointedly describing (or referring to) the evils of an *arājaka janapada* or *loka* and of the Jaina *Āchārāṅga-Sūtra* II 3.1.10 banning the visit of Jaina monks and nuns to *arāyāṇi* (Skt. *arājyāni*) among other states, proves that *arājaka* in these early texts has the familiar meaning of a condition of wild anarchy without the ruler and nothing more. The two accounts of *arājaka janapada* in *Mahābhārata* XII 59 and 67 again do not imply 'the same theory' (viz. that of 'a State' based on 'mutual agreement or social contract between the citizens'), as the first refers to a social organisation (not as yet a State ruled by a political superior) based on agreement of the people, while the second relates to a State of Nature with the individuals governing themselves in accordance with their sense of righteousness. There is therefore no warrant for holding with Jayaswal that the *Mahābhārata* theories of the origin of kingship point to 'the monarchists really adopting the social contract theory originally formulated by the *Arājakas*.'

Bhandarkar's theory that *Mahābhārata* XII. 67 'makes the closest approach' to the theory of Hobbes and in fact is 'superior' to it, is untenable on the following grounds. Firstly, the *Mahābhārata* story with its disjointed composition and its mythological background presents the strongest contrast with the Hobbesian theory which is a complete philosophical system based on the methods of precise definition and relentless logical deduction; secondly, the *Mahābhārata* conception of social order based on voluntary agreement of the individuals following immediately after the original condition of wild anarchy has no parallel in Hobbes' thought: thirdly, the interpretation of the *Mahābhārata* story as involving a theory of Social Contract of a bi-lateral character whereby the individuals transferred their 'liberty' to a single sovereign, is contradicted at every step by the direct evidence of the texts: fourthly and lastly, the transfer of absolute power to the sovereign in Hobbes' theory is not 'irrevocable', as the author mentions no less than four occasions absolving the subjects from the duty of obedience to their ruler, while the extreme development of the quasi-contractual obligation of protection in the Indian theory so as to make the king 'a servant of the people' is found only in the isolated texts of Āryadeva's *Chatuḥśataka* and the *Śukranītisāra*, and the clause of the law requiring the king to restore stolen property (or its equivalent) to the owner only illustrates the impact of the complex *Smṛiti* principle of the king's obligation towards his subjects upon the branch of State-law. In the second place, Bhandarkar's attempt to distinguish *Mahābhārata* XII '72' (read 73) and ibid. 68 as representing two successive stages of development of the Hindu theories of 'the superhuman origin or essence of the king' (viz., the conception of the king as 'a mere abode of the Regents of the Quarters' and as 'a god performing their functions') is very unfortunate, since both the extracts equally emphasize the old *Smṛiti* principle of the fundamental importance of the king's function by equating the king's public acts with the attributes of the gods so as to lead to the view that the one is equivalent to the other. In the third place, Bhandarkar's observation that Locke's 'dictates of right reason are practically the same as the *dharma* of the Hindu theory' (*Mahābhārata* XII 59) is contradicted by the fact that the former stands for an intellectual and rational principle unlike the latter which is a moral and ethical principle. Bhandarkar's further observation, based on his comparison between the reference to king Pṛithu's coronation-oath in *Mahābhārata* XII.59 and to the divine right of kings in the works of the Apostles and the Christian Fathers and so forth, that 'no school of Hindu Polity or Law, though it may propound

the divine origin of kingship, does either acknowledge the king's rule by divine right or consider his person as divine,' ignores the fundamental differences between the Indian and the Western theories (on which *vide* now Chap. XXX below). In the fourth place, Bhandarkar's view that a number of texts (*Mahābhārata* XII 57.3; 139.102–3, Kauṭilya II.1; IV.3, *Jātakas* vol. V, p. 223, Aśoka's Pillar Edict IV and Kaliṅga Rock Edict) relating to the king's paternal relationship with his subjects are equivalent to 'the modern theories of force' is belied by the fact that with the exception of Kauṭilya II.1 formulating the conception in its double aspect (the beneficent and the authoritarian) all the other passages as well as similar texts (viz. *Dīgha Nikāya* II, p. 178, Manu VII 80 and Yājñavalkya I 334, *Raghuvaṁśam* I 24 and *Abhijñāna Śakuntalam*, act V) connote only the ruler's beneficial rule. Bhandarkar's notion in this connexion of a sharp contrast between the pre-Maurya and the Maurya as well as later periods of our history (the former being associated with the conception of the king as 'a mere servant of the State' and the latter with that of royal absolutism) is without foundation. For the thought of Manu and Bhīshma marks the continuation of the old *Smṛiti* principle of the king's obligation of protection in return for taxation (culminating in the *Chatuḥśataka* and the *Śukranītisāra* description of the king as a servant of the people), while it likewise involves the utmost development of the old *Smṛiti* idea of the Kshatriya's divine ordination for the purpose of protection.

We may notice in this connexion the view of Professor Paul Masson-Oursel (*Ancient India and Indian Civilisation*, pp. 93–5) according to whom while the Brahmanical theory of the origin of kingship (*Mahābhārata* XII 59) ends with the exaltation of 'constitutional monarchy', the Buddhist theory of the evolution of the world (*Dīgha Nikāya*, vol. III, pp. 84–95) with its 'attempted adaptation' to Brahmanism (*Mahābhārata* XII 67) points to the doctrine of the fundamental sovereignty of the people. Now the reference to Pṛithu's coronation-oath in *Mahābhārata* XII 59, so far from converting the divine institution of kingship into a constitutional monarchy, helps only to emphasize the old *Smṛiti* plea for the king's divine obligation of protection. On the other hand, the reference to the Governmental Compact in the Buddhist theory is not followed out (except indirectly in the *Chatuḥśataka* passage above quoted) to its extreme corollary of popular sovereignty, while the similar reference in *Mahābhārata* XII 67 is altogether beside the point, as it belongs to the pre-political condition of man which is immediately followed by the divine institution of kingship.

[4] On the other hand *Mahābhārata* XII 93.9 and XIII 61.31–3 do not recognise, as has been thought (N. C. Bandyopadhyaya, *Development of Hindu Polity and Political Theories*, p. 205), the ultimate sovereignty of the people, nor do they imply the moral right of revolution.

CHAPTER XI

THE *MAHĀBHĀRATA*—POLITICAL IDEAS IN THE MAJOR DIDACTIC EXTRACTS (CONTINUED)

PRINCIPLES OF GOVERNMENT

THE principles and policies of government fill a large place in the canvas of Bhīshma's political thought. It is possible to deal with them here only in their most important aspects. As regards principles of government, we may first quote a set of extracts inspired by the best *Arthaśāstra-Smṛiti* tradition. In the course of Bhīshma's very first lesson on royal duties (XII 56–8) we are told that the king should observe purity, exertion (supported, aptly enough, by the quotation of a text of Uśanas), truth, vigilance (in watching his subjects, concealing his counsels and tracing out the weak points of his enemy), forbearance, straightforwardness, compassion for all creatures, and steadiness. Elsewhere (XII 69. 3 ; 76. 14 ; 113.17–20) the king is asked to acquire conquest of his own self (which is declared to be the pre-requisite of his victory over his enemies), to avoid caprice, deceit and greed, to display intelligence, skill and self-restraint, to act with deliberation and so forth. More important is the next extract (XII 56.44–6) where Bhīshma repeats Kauṭilya's plea for the king's complete merger of his interests in those of his subjects as well as the old *Smṛiti* idea of a Welfare-State with its twofold objective of freedom of its members from fear and from want. The king, we read, should constantly adopt the behaviour of a pregnant woman : as the mother disregarding her own likes seeks the good of the child in her womb, so should the king behave towards his subjects : the righteous king should constantly behave so as to give up what is dear to him for the sake of what is beneficial to his people. He is, we are further told (XII 57. 33–7), the best of kings in whose realm men live fearlessly like sons residing in the house of their father, and whose subjects living in the rural and the urban areas do not (need to) conceal their wealth. The king, we read in another extract (XII 87. 24), should constantly provide for the security and welfare as well as maintenance of the poor, the helpless and the aged. Elsewhere (XII 92. 11-21) the king is solemnly warned against oppression of the weak who are magnified as a mighty force under divine protection : the king's duty in particular, we are told, consists in protecting the people in body, word and deed, in wiping the tears of those who are poor, helpless and aged, and in bringing happiness to men. In a last extract (XIII 61. 25–31) Bhīshma, after requiring the king to guard the property of those who are old or minor or blind, cries shame 'after the authority of Śivi' on the life of a king in whose kingdom a man of the twice-born classes or any other man pines in hunger.

In a second set of extracts Bhīshma like Manu inculcates a composite and even contradictory line of behaviour upon the king in the interest of successful administration. In his first lesson on royal duties Bhīshma, while enjoining upon the king (as has been mentioned above) the observance of mildness and compassion, is constrained by the hard logic of facts to modify his statements. A king who is mild, we are told (XII 56.21), is completely disregarded by all, while one who is severe afflicts them, and therefore the king should observe both kinds of behaviour. This lesson is repeated by Bhīshma in two other extracts (XII 103. 33 ; 104. 33) . The king, we are further told (XII 56. 37–40), must not be constantly forgiving like a too forbearing elephant : a constantly forgiving king, it is argued after a quotation from the work of Bṛihaspati, like an elephant whose head is mounted by its driver, is constantly despised by the lowly, and therefore the king must not be constantly mild nor constantly severe, but he should be like the vernal Sun which causes neither cold nor perspiration. The burden of government, we are further told (XII 58. 21–2), cannot be borne by the mild, while government which is as it were a piece of meat coveted by all should be constantly carried on with straightforwardness,[1] and hence the king must constantly adopt a mixed policy of straightforwardness and deceit. As the peacock puts forth plumes of different colours, we are told in a last passage (XII 120. 4–16), so should the king conversant with his duties assume many forms, namely, severity, crookedness and 'the spirit that refuses to be tamed' (S.K.B.), truth and straightforwardness : he should assume that form which is beneficial in view of his particular object : a king who assumes many forms succeeds in accomplishing even his most subtle objectives. This lesson is followed by a series of elaborate parallels between the king's behaviour and that of the peacock into which it is unnecessary to enter here.

In a third set of extracts Bhīshma concentrates upon that aspect of the king's composite behaviour indicated above which relates to the principle of violence. How the coercive authority of the king is conceived by Bhīshma as by Manu to be the foremost political principle as well as a divine institution identified with the High Deity has been told above (pp. 205 6). We may quote here a few extracts furnishing concrete illustrations of the above principle. One who acts against thy kingdom, Bhīshma tells Yudhishṭhira (XII 57. 2–11) immediately after his warning against the danger of extreme pacifism, be he preceptor or friend, must certainly be slain : even the preceptor or friend must certainly be slain : even the preceptor, we are further told 'after the teaching of Bṛihaspati as laid down in the work of King Marutta', must be abandoned when he is filled with pride, and incapable of discrimination between right and wrong, and addicted to evil ways. The last plea is supported not only by the example of revered kings and sages of old, but also on the ground that the king's eternal duty consists in giving happiness to his subjects. A king who is in danger of being crushed, says Bhīshma elsewhere (XII 69. 17–18), shall kill those who have done him harm and who are hateful to the people, for the king who is incapable of benefiting or injuring

others or of rescuing others from distress is despised. The king, we read in a third extract (XII 76. 5), should be ever ready to strike, he should be death (as it were) unto his enemies, he should kill all robbers, and he should not pardon anyone out of caprice. Whoever stands in the way of the king's interest, says the sage Kaṇiṅka Bhāradvāja in an extract (XII 138. 47–8) quoted by Bhīshma, be he the son, or brother, or father, or friend, must be slain, and punishment (*daṇḍa*) alone is the method of correcting even the preceptor who is filled with pride, who is incapable of discriminating between right and wrong and who is addicted to evil ways. In Bhīshma's story of the origin of kingship (XII 59) quoted above, King Pṛithu is asked by the gods and the sages to observe the law (*dharma*) without fear or favour and with freedom from passion, and to punish anyone whatsoever falling off from his duties (*dharma*). Whoever has fallen off from the requirements of his duties and has adopted undutiful ways, says Bhīshma in a fuller extract (XII 110. 19–26), such a sinful and deceitful person living by foul means must be slain in every way : all these evil men look upon wealth (as their only objective in life) and all such men having fallen off from (the condition of) men and (the grace of) the gods are like evil spirits : they live by deceitful means like crows and vultures : he who kills them is not tainted with sin. The above extracts justify the application of violence to governmental affairs by means of three principles. These are, firstly, the principle of paramount interest of the State so as to make the offender against the same liable to capital punishment irrespectively of his status, secondly, the principle of supremacy of the law of the social order so as to confer on the king as the guardian of this law the unquestioned authority for punishing its defaulters, thirdly and lastly, the principle that the personal security of the subjects is founded upon virtue so as to make the sinful man punishable more or less drastically by the king with impunity.

In a fourth group of extracts Bhīshma emphasizes the second and the complementary aspect of his composite line of conduct for the king's guidance, which is concerned with the principle of righteousness. How should a Kshatriya, asks Yudhishṭhira in one place (XII 96. 7–13), seek to conquer a fellow-Kshatriya in righteous fighting? In his reply Bhīshma, after enumerating the rules of righteous warfare according to the *Smṛiti* pattern, concludes with a vigorous plea for righteous fighting: it is better to be killed by fighting righteously, he observes, than to win victory by sinful means. In the following chapter (XII 97. 1–2) Bhīshma repeats his warning to the king against seeking victory through unrighteousness and his admonition for winning the same through righteousness. In the story of a trick successfully played by God Indra (disguised as a Brāhmaṇa) for depriving the demon-king Prahlāda of his sovereignty, we are told (XII 124. 64–6) that righteousness, truth, good deeds, might and royal fortune have their roots in good behaviour (*sīla*), this last comprising abstention from injury to all creatures in thought, word and deed. What does not benefit others or what makes one feel ashamed, we are further told, should never be

done, but that should be done in consequence of which one is honoured in assemblies. When the king is good and virtuous, we read in yet another extract (XII 137. 94–5), one can have a wife, a place of residence, friends, sons, kinsmen and relatives, but when he is sinful, his subjects perish in consequence of his oppression.

Nowhere is the principle of righteousness inculcated upon the king with such passionate earnestness as in the discourse on Kshatriya duties purporting to have been addressed by the sage Utathya to King Māndhātā and quoted by Bhīshma at great length (XII 91–2). The king, we read (XII 91. 3f.), exists for the sake of *dharma* and not for acting arbitrarily: the creatures rest upon *dharma* which in its turn rests upon the king, and the ruler who justly upholds *dharma* is truly the king, the ruler of the earth. The high significance of *dharma* in relation to the king and the community hinted at here is expanded in the following lines. The sages themselves, we read, having cast their eyes upon both the worlds created that great being, the king, with the intention that he would be the embodiment of *dharma*: all creatures prosper with the growth of *dharma*, and *dharma* is held to set bounds to the evil acts of creatures: Brahmā created *dharma* for the growth of creatures, and therefore the king should foster its growth by way of benefiting the people. The far-reaching consequences of the king's attitude towards righteousness are powerfully and graphically described in the same context. When sin (*pāpa*) is not barred out, we read, righteous behaviour is lost and unrighteousness increases greatly, and there arises fear every day and every night: in such an event the twice-born classes do not study the *Vedas* or undertake religious vows and the Brāhmaṇas do not perform long-drawn sacrifices, the minds of all men become confused like those of men condemned to death: when the king acts heedlessly (in the matter of observance of *dharma*), confusion of castes follows, and therefore sinful demons as well as defectives are born in the families of men: if the Kshatriya acts heedlessly there arise great evils, sins involving confusion of castes come into being, cold sets in in the hot season and vice versa, while drought, flood and pestilence overtake the subjects and ominous stars and awful planets as well as evil portents indicating the destruction of the king make their appearance: when the king by not controlling himself fails to protect his subjects, they both suffer decay and destruction, the two rob the one and the many others rob the two: when the king giving up *dharma* acts heedlessly, maidens are abducted and none has the sense 'this is mine'. The sage enforces his lesson upon the king by the usual moral and spiritual sanctions. If the king observes *dharma*, we are told, he attains to the position of a god, but otherwise he goes to hell: he in whom *dharma* shines is (truly) called a king, while he through whom it declines is known as the destroyer of *dharma*: he is truly a king who rules his subjects by doing good to them: *dharma* is for kings their highest good, and therefore the kings should observe *dharma* by overcoming their passions: one becomes a king by conquering pride and a slave by succumbing to it.

The consequences for good or for evil of the king's attitude towards righteousness are described afresh by Utathya in the following chapter (XII 92). When the clouds pour rain in the proper season, we read, and when the king behaves righteously, the prosperity that ensues maintains the subjects in felicity : the four Age-cycles (*Kṛita*, *Tretā*, *Dvāpara*, and *Kali*), we are further told almost in the words of Manu (IX 301), all these reflect the behaviour of kings and the king is held to be synonymous with the Age-cycle : the king is the creator or destroyer of his subjects according as he is of righteous or unrighteous soul. How the king's neglect of *dharma* involves both himself and his people in disaster is told by the sage in the following lines. When the king acts heedlessly (in the matter of application of *dharma*), the four castes and the four orders as well as the *Vedas* fall into confusion : when the king acts heedlessly, his wives, sons, kinsmen and friends come to grief : when the king gives himself up to unrighteousness, even his domestic animals suffer decay. The sage concludes his lesson with a high eulogy of *dharma*. *Dharma*, he observes, is the highest *desideratum* of all creatures : it is the foremost of the three ends of life : the gods, the sages, the Fathers and the Gandharvas of unparalleled might proclaim the merit of a righteous king both here and hereafter.

In a second long extract (XII 93–5) the sage Vāmadeva speaking on the subject of the king's righteous behaviour begins with a clarion call to the king to observe *dharma*. There is nothing, he says, higher than *dharma* and therefore the king should follow *dharma*. How the king's violation of righteousness recoils upon his own head is told by the sage in a later passage. When the strong man (namely, the king), we read, acts unrighteously towards the weak, the members of his family follow the same course, and the kingdom being ruled by such undisciplined persons swiftly meets with destruction. In the concluding portion of Vāmadeva's address (XII 95) the sage, explaining the scope of the king's righteousness, says that he should be compassionate and vigilant, he should avoid deceit towards his own people, he should not give way to anger, and he should not perform acts hated by good men.

The above extracts involve a strong plea for the application of righteousness to the affairs of government so as to connote a course of honourable and beneficent behaviour and in general of absolute non-violence on the part of the ruler. This is supported by the principle that righteousness is the essence of kingship, being in fact the divine (or semi-divine) and the true purpose and fulfilment of the king's creation while protection of creatures is the divine purpose of its own creation. More particularly we are told that while the king's observance of righteousness is the foundation of his own security and happiness as well as of those of his subjects, its disregard leads not only to his own ruin, but also to the complete insecurity of his subjects, their mental and moral decline, and finally and above all, the overthrow of the social order (accompanied by the disturbance of the vital laws of nature shaping man's physical existence as well as affliction of the subjects with

providential calamities) with the ultimate result of producing degeneracy of the race-type. The king, in short, by virtue of his attitude towards righteousness is the maker of his epoch.

We may pause here to compare the Brahmanical idea of the king's righteousness set forth above with its counterpart in the thought of the early Buddhist canonists explained in a previous chapter (IV). Common to both is the conviction that *dharma* is the essence of kingship and that the king's attitude towards this principle is attended with profound repercussions on the individual and the community through its influence upon man's physical environment. And yet there is a fundamental difference between the two conceptions arising from the somewhat different ethical standards of the parallel creeds. In the eyes of the Buddhist canonist the standard of ethics is absolute in the sense that the same moral law governs the conduct of the laity, whether king or commoner. By contrast the Brāhmaṇa canonist conceives the king's righteousness to be relative in the sense that he is governed first and foremost by the distinctive law of his order which is sufficiently elastic in its composition to permit incorporation of rules and principles from the *Arthaśāstra*. This contrast is reflected in the different interpretations of political righteousness by the two sets of thinkers. The king according to the Buddhist canonist must set before himself first and last the aim of practising virtue and promoting the universal happiness of creatures down to the dumb creation. How composite, on the other hand, is the line of conduct laid down for the king by the Brāhmaṇa canonist is indicated by the following examples. The king, we are told by the sage Utathya (loc. cit.), should suppress his passions: he should honour the Brāhmaṇas (including the sacrificial priest, the domestic chaplain and the preceptor): he should protect the weak (who are declared to be a mighty force under divine protection): he should protect the people in word, deed and body: he should wipe the tears of the poor, the helpless and the aged, and he should delight the people: he should strengthen his friends and weaken his enemies: he should bestow favours and punishments: he should act so that the enemy may not detect his weak points and he may strike at the enemy through the latter's weak points. The same characteristics are exhibited in the sage Vāmadeva's exposition of the king's righteous rule (loc. cit.). The king, we read, must eschew evil passions, false speech etc., while he must practise charity and do good to his subjects and follow the canon: he should avoid sinful and wicked ministers and he should have the preceptor for his adviser, he should listen to the counsels of his ministers, he should appoint persons qualified by intellect and character for high offices, he should not do what is hateful to good men (*Āryas*): he should keep a close watch on neighbouring kings (especially on one whom he has injured), and while he may attack weaker kings, he must not attack the stronger: he should win dominion by prowess and protect his subjects and slay his foes in battle: while he should seek victory without battle, he should not seek new conquests without firmly striking his roots: he should seek to

acquire the land and wealth of the enemy when he finds himself to be superior in strength and in the time of attack : even if he may continually slay his enemies, they do not diminish. In the above extracts the doctrine of the king's righteousness is interpreted in terms of the composite principles and policies of the developed *Arthaśāstra-Smṛiti* tradition. On the one hand we are told that the king should set his standard by the test of public approval, and he should exercise the virtues of non-injury, self-restraint, charity and honour to the elders as well as Brāhmaṇas, and he should grant the fullest protection to his subjects with special consideration for the poor and the afflicted. On the other hand we read that the king should select qualified ministers in the branch of his internal administration, while he should base his foreign policy on the principle of expediency involving an attitude of the utmost vigilance and violence towards the foreign enemy.

POLICIES OF GOVERNMENT

The policy of inter-State relations occupies an important place in Bhīshma's thought. Bhīshma repeats (XII 59. 31–9 ; 69. 22-67, etc.) the old *Arthaśāstra* categories and concepts under this head, such as the four expedients (with the addition of a fifth one called indifference), the three powers (*śakti*), and the six forms of foreign policy (*guṇa*). Bhīshma's fundamental criterion for the selection of the types of foreign policy like that of Manu is the *Arthaśāstra* principle of expediency. The king, he says cryptically in one place (XII 57. 4), should make peace with those with whom it should be made and wage war with those with whom it should be waged. The king, we are more fully told elsewhere (XII 69. 14–19), should make peace with a powerful enemy in consultation with his ministers when he finds himself to be weak : he should make peace with the enemy when his weakness is not known, or when he expects an advantage therefrom : he should undertake an expedition against the enemy who is at war with another and therefore heedless (of danger from other quarters) and is weak. The king's subjects, explains the sage Vāmadeva (XII 95. 1–12) while warning him against seeking new conquests without striking his roots firmly, should be prosperous and loyal, his minister should be happy and contented, and his troops should be happy and well-equipped and capable of overreaching the enemy : the king should be superior to his enemy in material resources and in strategy (literally, the time of attack).

An important branch of the policy of inter-State relations is discussed by Bhīshma under the head of the king's policy towards his enemies. The king, we are told in the first extract (XII 58. 6 ; 16–18) in the course of an enumeration of the royal duties, should break up the enemy's ranks by straightforward as well as deceitful means : the powerful king must not disregard even his weak enemy, for even a small spark causes a flame and even a slight poison causes death, while the enemy taking refuge in a fort even if he is equipped with a single horse afflicts the kingdom even of a prosperous king.

A more complex line of policy is laid down by Bhīshma in a second extract (XII 103. 16–41) to which we shall return later. Here the speaker, after declaring war to be the last alternative among the expedients of policy, recommends the king to show clemency after victory. The view of an authority (called Śambara) asking the king to show clemency after afflicting the enemy, we are told, is not praised by the Teachers : the enemy, on the contrary, should be brought under control like one's own son without giving him trouble or without destroying him. More consistent with the speaker's principles explained above (p. 216), is his advice to the king in the following lines to practise both severity and mildness : a king who is severe, it is explained, makes himself hateful to creatures, while one who is mild is despised by them. The speaker's last advice to the king belies his earlier profession of clemency towards the enemy. Wishing to smite and in the act of smiting the enemy, we are told, the king should speak sweetly and after smiting he should exhibit compassion by a show of grieving and weeping : the king, while outwardly expressing his grief for the deaths of those good, rare and heroic men who had been killed in battle, should secretly reward their slayers. Thus practising the policy of conciliation, the speaker concludes with remarkable self-complacency, the righteous and fearless king endears himself to all creatures and wins their confidence.

In a third extract (XII 104. 6–51) the sage Bṛihaspati, being asked by Indra, how he could subdue his foes without exterminating them and without trusting to the uncertain chances of an armed fight, warns him against trying the expedient of a quarrel based on anger and non-forbearance as befitting the conduct of boys. One wishing to kill his foe must not put that foe on his guard : the king accordingly should conceal his anger within himself, he should wait upon the enemy by making a show of trust, he should speak sweetly to him and never do anything disagreeable to him, he should abstain from empty display of hostility and harsh speech : 'As a fowler uttering the cries of birds captures them, so should the king bring his foes under subjection and then kill them' : a king, having overcome his foes, should not sleep at ease, for a wicked foe raises his head again as fire carelessly put out again makes its appearance. The speaker next explains how the weapons of open and secret diplomacy should be employed against the enemy. The king should try to find out the weak points of his enemy by suppressing his passions of pleasure, anger and self-conceit : he should corrupt the enemy's forces by the application of dissension and bribery as well as medicinal drugs, but he should never exchange clothes (as a mark of friendship) with him : the king should apply the policies of dissension and secret punishment, and he should bow to his powerful enemy at the proper time and being himself heedful should seek to slay him : the king must not attack many enemies simultaneously; but he should on the contrary grind them one by one by the application of conciliation, bribery, dissension and force : the king should strike at the enemy at a time when he has tripped slightly : showing forbearance even for a long time he should slay his enemies : waiting

for the opportunity he should count the hours so that the enemy might be lulled into confidence : he should not slay the enemy offhand, 'for victory after a long surveillance does not rankle in the heart' and it 'does not exacerbate an old sore or inflict a new one' (S.K.B.) : opportunity missed by a man waiting for the same seldom comes again to him : when the king possesses a mighty and loyal force and when he finds himself equipped with Progress in the reverse order of the enemy, he shall strike at him without hesitation.

In a fourth extract (XII 106. 10-26) a sage, instructing a displaced king about the means of recovering his kingdom, inculcates the same policy of treachery towards his enemy. The king after patiently assembling a force and in consultation with his ministers should create dissensions among his enemies and break them like a man breaking one *vilva* fruit with another. Or else he should make a treaty with the enemy and try to destroy his power in various ways : he should tempt the enemy to self-indulgence, he should induce him to launch upon expensive and difficult projects, he should make the enemy rely upon destiny instead of self-exertion, he should deprive the enemy of all his possessions by inducing performance of the *Viśvajit* sacrifice, he should kill the enemy's elephants, horses and men with the application of medicinal drugs.

In a fifth extract (XII 136. 12-211) Bhīshma, being asked how a king can save himself from being overwhelmed by the combined attack of his enemies, explains what he calls the king's esoteric policy in times of distress. It is through exigencies of circumstances, we read, that the enemy becomes a friend and the friend is alienated, and the king's policy should be adjusted accordingly : one should impose trust and wage war after considering the factors of place and time in the matter of deciding what should and what should not be done : peace should be made with an enemy so that one's life may be preserved. In an affair requiring co-operation with the enemy, says the sage Uśanas in a parable quoted by Bhīshma in this connexion, one should behave warily after making peace with him, and he should not trust the enemy after the object has been attained : one should in all circumstances preserve his own life, for when a man lives he enjoys the blessings of wealth and progeny : distrust is held to be the most approved principle in the works on Polity. Even the wise man who completely deceives others by the application of his intellect, Bhīshma sums up, is deceived by the foolish through his own heedlessness : one should, while he is afraid, appear to be fearless and while distrusting others appear to be trustful : 'one who is heedful never trips and tripping is never ruined' : those who know the truth declare that peace should be made with an enemy and war declared with a friend according as the occasion demands the same.

In a sixth extract (XII 137. 4–107) Bhīshma, replying to Yudhishṭhira's dilemma relating to the danger as well as necessity of a policy of distrust, quotes a long parable of the discourse between a wise bird and a king in which the former avenging her wrong on the king's son emphatically advocates the policy of hostility towards the enemy, while the latter as decidedly pleads

for trust and reconciliation. Classifying the sources of strife under five heads, namely, women, land, (harsh) words, (natural) enmity, and (infliction of) injury, the first speaker pleads for complete and relentless hostility towards the enemy last-named. The avenger of enmity, we are told, must be killed by the Kshatriya by fair means or foul after consideration of the factors of place, relative strength of the parties and so forth : no trust should be reposed even in the friend with whom strife has broken out : this hostility lies hidden like fire in a wood : neither by gift nor by punishment nor by conciliation can the fire of this hostility be extinguished : the fire of this hostility once ignited, the result of the injury once inflicted, is not ended without consuming one of the parties. The above policy is justified by the speaker, significantly enough, by reference to *Arthaśāstra* authority. Those versed in *Arthaśāstra*, we read, hold distrust to be productive of happiness : those who trust the word, whether true or false, of an enemy, we are more specifically told after the sage Uśanas, meet with destruction as honey is sucked up by dry grass, while hostilities do not cease between families even down to the tenth generation if any of their male members are left alive till then.

In a seventh extract (XII 138. 2–69) Bhīshma, when he is asked about one's behaviour in a time of general decay, quotes the sage Kaṇiṅka Bhāradvāja's striking reply to a king's question about his means of fulfilment of the ends of worldly existence. Recommending a policy of force, the speaker says that the king should blaze forth even for an instant like charcoal produced from resin-wood and not smoulder and smoke for long like fire from chaff. Asking the king in the next place after Manu (VII 104–5) to emulate the behaviour of sundry animals and enjoining him to display his prowess when time and place are favourable, the speaker cautions the king against neglect of his enemy. The remnants of debt, fire and foe, even though slightly left unattended, he says, tend to increase constantly : the king, therefore, should devastate the enemy's kingdom by slaughtering its population, by overthrowing its communications and by destroying its mines : he should not strike one whose head he would not cut off : without piercing the vitals of others, without committing cruel acts, without slaying living creatures after the fashion of fishermen ('using small creatures as their bait'—S.K.B.), one cannot acquire high prosperity. There is, we are further told in words repeated by the speaker elsewhere (XII 136. 132), neither enemy nor friend by birth (*jāti*), but on the contrary, friends as well as foes arise through the exigency of practical affairs (S.K.B.). The cult of violence is accompanied in the speaker's teaching by that of calculated distrust and treachery. When a work has to be done in co-operation with the enemy, we are told, the wise king should make peace with him but should not trust him : when the work is finished, he should immediately turn away from his new ally : one should conciliate his foe even like a friend, but always stand in fear of that foe as of a snake lurking in a room : the king who does not keep under restraint his foe brought under his control by military force prepares for his own death : he who having made peace with a foe sleeps happily in trustfulness is like

a man who sleeping on the top of a tree awakes after his fall. In speech only, the speaker continues, the king shall be gentle and at heart he should be like a razor's edge : he should cast away lust and anger and speak sweetly : the king in his own interest should join his palms in prayer, should utter an oath (of friendship), should speak with bowed head and should shed tears : he should bear his enemy on his shoulders as long as the conditions are adverse, but when the opportunity comes he should dash the enemy into fragments like an earthern jar on a stone : the king should inspire confidence in his foe by constant attention and silent acquiescence and by assuming the garb of ascetics, and then he should jump upon him like a wolf : the king should not allow his foe to escape even when making piteous appeals, and he should without feeling any grief destroy the foe who has done him wrong : when he is about to strike he should speak sweetly, having struck he should speak still more sweetly, and having cut off the head he should weep and grieve. The speaker concludes with the warning that his advice which is tainted with sin should not be (usually) followed by a man, but should be applied for countering the intrigues of the enemy.[2]

The above extracts repeat and develop some of the extreme tendencies of the *Arthaśāstra* statecraft such as we have traced in the earlier chapters. We find in them a vigorous plea for a policy of total war against the enemy (especially of an enemy for some cause) and in one's own defence. The king is asked in effect to wage a war of complete extermination against an enemy as well as a cold war preparatory to attacking the enemy with devastating effect at the king's own advantage. This policy is sought to be carried through with the methods of unscrupulous diplomacy and calculated treachery based upon unquenchable distrust of the enemy, while it is held to involve the king's simultaneous application of the qualities of fore-thought, vigilance, valour, and courage to face retreat. The principles justifying this policy relate partly to the implacable nature of enemies, partly to the fluidity of inter-State relations, and partly to the urge for self-preservation along with the use of violence as the necessary means of its implementation.

The old *Arthaśāstra* problem of a weak king's policy towards his powerful adversary is repeatedly discussed by Bhīshma. In the first extract (XII 69. 21–60) the king is advised to launch a double attack (an offensive and a defensive one) against the enemy. He should, we read, afflict the enemy's kingdom with fire and sword, poison and stupefying drugs as well as by sowing dissensions among his councillors and courtiers : he should set up cowherds' hamlets along the highways, evacuate the villages and remove their inhabitants to the smaller towns and well-guarded forts and regions, conciliate the rich people and the chiefs of troops, carry away the standing crops and failing therein burn them down with fire, break down the bridges, bale out or poison the waters, strengthen the fortifications, conceal the locations of store-houses, arsenals and remount depots, and store the necessities of life as well as medicines and weapons. In a second extract (XII 114. 2–14) mentioning the fable of the Ocean and the Rivers the king is recommended

to submit to his powerful enemy after the fashion of a cane bending before the current. In a third extract (XII 129. 4–14) Bhīshma places before the weak king facing a powerful aggressor either course out of several groups of alternatives. If the aggressor is pure and politic and if he is 'not desirous of permanently settling in the conquered land' (S.K.B.) peace (*sandhi*) should quickly be made with him 'by making him release his earlier conquests from the kingdom' (S.K.B.) : if the invader is unrighteous, strong and sinful, peace should be sought with him 'by practising much self-denial' (S.K.B.), or else the danger should be avoided by abandoning the capital : one should take extreme care against being captured, 'seeing that no quarter is to be expected from the enemy for his foes' (S.K.B.), and one should never surrender his own self if that could be avoided : the king should quickly decide to make peace, or else he should quickly exhibit his prowess : a king possessing a small but loyal and well-equipped force can win victory : if he is killed he goes to heaven, meaning the world of Indra, and if he is victorious he gains dominion. In the above extracts the author repeats the composite and even contradictory lines of policy of the old *Arthaśāstra* thinkers depending upon their respective approach to this question. The weak king, it is urged, should adopt a policy of total war combining offensive with defensive operations against the enemy, or else he should make a politic surrender, or otherwise make the best terms with his enemy with regard above all for his personal safety, or lastly, he should choose between making peace and waging war on the high stake of a glorious death in battle or victory.

THE STANDARDS OF STATE POLICY

The most original and valuable development of Bhīshma's thought in connexion with the branches of State policy is concerned with his discussion of the moral issues involved therein. We may notice at the outset a short extract (XII 110. 4–18) indicating Bhīshma's attitude towards the standards of man's conduct based upon the adjustment of moral values to the needs of the individual and the community. Here Bhīshma after saying that nothing is higher than truth proceeds to state that truth should not be spoken when to speak it would be untruth : for, as he observes with illustrations drawn from antiquity, an untruth may assume the aspect of truth and vice versa. The texts enjoining the observance of *dharma*, the speaker continues, were spoken for the uplift of creatures, and *dharma* is what involves abstention from injury to creatures as well as what upholds them. Referring in the next place to two different views (one tracing the source of *dharma* to the *Veda* and the other denying the same), the speaker observes that everything has not been laid down in the *Vedas* : 'where life is in jeopardy or when a marriage-pact were to hang upon it ... untruth has to be spoken, also for saving your treasure or keeping others within the bounds of *dharma*' (S.K.B.). In the extract quoted above the speaker begins by laying down the important principle of relativity of moral standards, a principle which is a parallel of the fundamental *Smṛiti* conception of the relativity of the law of the social

order. In his subsequent analysis the speaker declares the test of those standards to be individual security and family happiness as well as the collective good. By the same test it is held that the authority for standards of human conduct is not confined to the canon alone, but transcends the same.

Bhīshma's discussion of the standards of State-policy (especially in an emergency) involves the intensive application and development of the ideas above mentioned. In the first extract (XII 76. 15–34) we are told how when Yudhishṭhira expressed his resolve to retire to the forest for religious exercises because spiritual merit is unattainable in rulership, Bhīshma turned him away from the same. Rebuking Yudhishṭhira in the first place for his excessive inoffensiveness and reminding him that he was born to perform the duties of his order whether they were right or wrong, the speaker observes that 'no one following his duties, be he householder or king or Vedic student, has ever succeeded in conducting himself without tripping'. The speaker in the next place after impressing upon the righteous king the lesson of winning over some by gifts, some by force, and some by sweet words, declares that there is no higher duty (*dharma*) than that by which high-born and learned persons in danger of losing their livelihood are enabled to live happily: he is, Bhīshma further observes, the most worthy of heaven among men by relying upon whom persons attain immediate felicity.

In a second extract (XII 101. 2–5) Bhīshma, replying to Yudhishṭhira's suggestive query about a king's method of leading his troops to victory even with a slight breach of righteousness, mentions four different standards of duties (*dharma*). Some duties, he says, are based on truth (*satya*), others on reasoning (*upapatti*) and still others on good custom (*sādhvāchāra*) and expediency (*upāya*). Premising that the duties of the last class (*upāya-dharma*) which he is going to explain should be used for overcoming robbers who are without restraint and are hostile, Bhīshma inculcates two kinds of wisdom, namely, the straightforward and the crooked: of these the latter should not be followed (positively), but should be used (negatively) for overcoming the present troubles: when the king's enemies, it is explained, are using against him the art of dissension, he should overcome them by his application of deception. This is followed by a lesson on the equipment of the troops as well as strategy and tactics into which it is unnecessary to enter here.

The question of the standards and principles of statecraft is most fully described by Bhīshma in a third extract (XII 128. 1–49) which belongs to the last chapter of the *Śāntiparvan* section on royal duties (*rājadharma*), and is as such a fitting prelude to the following section on duties in times of distress (*āpaddharma*). What should be the king's policy, it is asked, when he is being deprived of his allies and has many enemies, when he is reduced in revenue and is without troops, when his ministers and assistants are wicked and his counsels constantly ooze out, when being weak he is attacked with hostile forces by a powerful enemy, when he is incapable of applying

the arts of conciliation and dissension against his foes, when life itself is not worth living because of the deficiency of wealth ? According to the alternative reading and interpretation of the commentator Nīlakaṇṭha the question put to Bhīshma is whether in the said circumstances wealth should be acquired by unfair means, or death should be sought without acquiring wealth. The problem in this case is one of the king's self-preservation, or else one of choice between his living unrighteously and dying righteously in a grave emergency of the State. Prefacing his answer with some hesitation Bhīshma says that this is a question of esoteric *dharma* which he would rather have left unanswered, and that it belongs to the type of questions which should have been answered by Yudhishṭhira's own judgement. In the following lines Bhīshma takes up the problem of man's moral standards. *Dharma*, we are told, is subtle, and one can with difficulty become good by following the (injunction of the Vedic) texts (*vachana*), by pursuing his individual judgement (*buddhi*) and by conforming to good custom (*sadāchāra*) : by way of caution against excessive reliance upon the second principle, it is further observed that one may or may not win success by doing acts in accordance with his own judgement. The three standards mentioned here evidently correspond to the standards of truth, reasoning, and good custom listed in the foregoing extract (XII 101). Referring evidently to the fourth standard mentioned above forming the immediate subject of his teaching, namely, that of expediency, Bhīshma says that a man acquires experience (*vijñāna*) and delights in the same, according as he makes a constant study of the canon, while want of endeavour (*yoga*) arises out of the absence of experience. With this introduction the speaker makes his concrete statement of policy in accordance therewith to the effect that the king should raise his revenue like one extracting water out of waterless tracts, and should show favour afterwards at the opportune moment. More specifically he observes that the Kshatriya whose livelihood has been stopped is entitled to seize all property other than that of ascetics and Brāhmaṇas.

The standard of expediency mentioned above is supported by the speaker by a threefold principle. Thus in the first place the speaker observes that what is unrighteous in the case of others is unavoidable (S.K.B.) in the case of Kshatriyas : the Kshatriya, it is explained in terms of unblushing egoism, should act in such a way that he may not suffer in his religious merits (*dharma*), and may not fall a prey to his enemies, and he should never allow his fortunes to sink : he should not seek (in times of distress) to safeguard the religious merits of others or of himself, but he should try by all means to rescue his own self. Claiming canonical authority for the above, the speaker further observes that according to the *Veda* exertion by force of arms constitutes the very life of the Kshatriya, and again that neither mendicancy nor the occupation of the Vaiśya or the Śūdra is prescribed for the Kshatriya. There is one code of duties, the speaker says in the second place, for those who are capable of performing them, and there is quite another for times of

distress. What outlet is improper, he asks, for one who is afflicted by enemies, and what improper path is there for one who is immured in prison, and he answers this question by saying that when a man is afflicted, he escapes even by an improper outlet. Justifying the above by high example, the speaker says that Brāhmaṇas in times of distress officiate at the performance of sacrifices for an improper person and eat forbidden food, and he asks when even the Brāhmaṇas failing in their means of livelihood are found to live by improper means in times of distress, what doubt can there be in the case of Kshatriyas ? In sum the Kshatriya should seize the property of the rich and should never suffer : without violence, the speaker continues, no one can support his existence, even the solitary ascetic living in the forest is no exception to this, and especially it is impossible for a Kshatriya seeking to rule his subjects to live by the occupation prescribed by the sage Śañkha. The decrease of the king's revenue (*kośa*), we are told in the third and the last place, arises out of that of his army (*bala*) : *kośa* is indispensable for the performance of religious duties, reasoning (*buddhi*) is superior to *dharma* : when a weak king seeks to practise *dharma* on strictly moral principle, he fails to achieve it (S.K.B.). Further explaining the significance of *kośa* evidently in antithesis to the familiar process of agricultural production, the speaker says on the authority of 'those versed in the Law' (*dharma*), that food produces the seed, or in other words that *kośa* is the source of subsistence of the people : while *kośa* and *bala* are the roots of kings, *kośa* is the root of *bala* which in its turn is the root of all law (*dharma*) which again is the root of the people. In the light of the above conception of the fundamental importance of *kośa* and *bala* (and especially of the former), the speaker draws the practical conclusion that the king should levy them by force. Without oppressing others, he says, it is not possible to raise *kośa*, not to speak of *bala*, and therefore the king incurs no blame by exercising oppression on this account. The speaker justifies this in the first instance by authoritative example. Many improper acts, we read, are done even for the performance of sacrifices, and therefore the king incurs no blame by acting in the way above indicated : when stakes are cut for the purpose of sacrifice some neighbouring trees which stand in the way are doubtless cut down, and when these fall down they destroy other mighty trees : in the same way success cannot be achieved (by a king) without destroying those persons who stand in the way of raising *kośa*. A second justification is found by the speaker in the needs and interests of the king. The king, we are told, is held to be the preserver and the destroyer of his subjects, and therefore the Kshatriya who is engaged in protecting them is entitled to seize their property : the king and the kingdom, he further observes by a reference to their reciprocal relations, are bound by the eternal law to help each other in their distress : just as the king helps his subjects in their danger with multitudes of gifts, so should they help the king in his distress. The speaker concludes with a panegyric on wealth (*dhana*) from which we may quote a few extracts. Wealth, we read, is the means of attaining both the worlds : the people

hanker after wealth saying 'it is mine', 'it is mine' : he who has no wealth is regarded as a weak man, while he who has it is strong : he who has wealth attains anything and overcomes all obstacles : Virtue (*dharma*) and Pleasure (*kāma*) as well as both the worlds are derived from *kośa*. This last statement, it will be noticed, brings the speaker's view into line with that of two *Artha-śāstra* authorities (namely, the school of Parāśara and Kauṭilya) quoted in previous chapters to the effect that Wealth (*artha*) is the chief of the three ends of life.

In a fourth extract (XII 130. 1–18) Bhīshma deals specifically with his standard of expediency, or as it is here called, strength based upon practical experience (*vijñānabala*) in respect of *dharma*. Here the question put to Bhīshma relates to a Brāhmaṇa's mode of livelihood in evil times when *dharma* ('Law' or 'Righteousness') is decaying, and when all ordinary means of subsistence has fallen into the hands of robbers. Bhīshma's answer, as is explicitly shown by the sequel, deals with the behaviour of the royal sages in such an emergency. One should, he says, live by *vijñānabala*, and again he observes that men who being purified by *vijñānabala* adopt even the evil ways of life deserve no censure. Explaining in this connexion the limitations of canonical authority, the speaker says that while men of middling intelligence follow the canon without modification, the wise man makes a special application of the same. After some further discussion the speaker declares the final authority for *dharma* to be what is approved by one's conscience, a principle mentioned by Manu (above, p. 159) as the fourth and last source of *dharma*.

In a fifth extract (XII 131–2) which claims to deal with the standard of *vijñānabala* in a king's emergency, the speaker explains afresh his conception of the factors of *kośa* and *bala* in relation to each other as well as the fortunes of the king and his subjects. Dealing in the first chapter (XII 131. 1–7) specially with the factor of *kośa*, the speaker begins by urging the king to raise it out of his own and his enemy's kingdom and having raised the same to preserve it, and having preserved it to increase it, this being an evident adaptation of the well-known category of the four ends of worldly existence : asking the king, again, to increase the three factors of revenue (*kośa*), army (*bala*) and ally (*mitra*), the speaker argues that while *kośa* and *bala* depend upon each other, the kingdom (*rājya*) depends upon *bala* and good fortune upon the kingdom, and that for a man in high life the loss of good fortune is like unto death : a king without *kośa*, the speaker concludes, is despised by men, while one wins great respect and his faults are concealed through good fortune. Passing in the following chapter (XII 132. 1–7) to the factor of *bala* the speaker explains afresh its relation to the principle of righteousness. Virtue (*dharma*) and Wealth (*artha*), he observes after the decisive policy proclaimed by those versed in the ancient lore, are the manifest objectives of a Kshatriya who is conversant with his duties : truth (meaning *dharma*) and possession (meaning *bala*) rescue the people from fear. While in the above *dharma* along with *artha* is held to be the basis of kingship and

along with *bala* that of the subjects' security, *bala* alone is declared in the immediately following lines to be superior to *dharma* and in fact to be its source. This is illustrated by some homely but striking similes : *dharma* rests upon *bala* as creatures rest upon the earth : *dharma* is dependent upon *bala* as smoke depends upon the wind for its motion : *dharma* rests upon *bala* as a creeper rests upon a tree : *dharma* attends the strong as pleasure attends those given to enjoyment.

In a sixth extract (XII 139. 1–94) relating to the Brāhmaṇa's and the king's behaviour in a grave emergency, the speaker returns to his discussion of the standard of the king's conduct. When high righteousness is on the wane, it is asked, when unrighteousness assumes the form of righteousness and vice versa, when the barriers are broken down, when the people are oppressed by kings and robbers, when the men are filled with mutual distrust and fear, when they slay one another by deceitful measures, when all means of subsistence has fallen into the hands of robbers, how should the Brāhmaṇa carry on his livelihood ? How again should the king behave without detriment to (his twofold end of) Virtue and Wealth when the world is thus overtaken by evil ? Bhīshma in his reply first mentions one of his characteristic principles explained above, namely, that of the supreme significance of the king's office in relation to the people and their environment. The security and welfare of the people, their disease, death and fear, as well as good rainfall, depend upon the king : the four Age-cycles, namely, *Kṛita*, *Tretā*, *Dvāpara*, and *Kali*, all depend without doubt upon the king. This preface prepares us for the speaker's plea for the application of *vijñānabala* in the above emergency. The speaker illustrates his lesson by quoting 'the ancient story' of the discourse between the sage Viśvāmitra and an outcaste (*chaṇḍāla*) which states how Viśvāmitra saved himself from starvation in a time of famine by eating dog's meat in a chaṇḍāla hamlet. The series of dialogues filling this story express with dramatic force the conflict between two principles put by a striking reversal of their proper roles into the mouths of the two actors in the scene. For while the Brāhmaṇa pleads for the individual's supreme right of self-preservation, the outcaste urges the authority of the canonical injunctions. When a man of learning and high spirit who is conversant with expedients has fallen into distress, Bhīshma sums up at the end, he may apply every means to extricate his cheerless self with a view to saving his life : one should always preserve his life by adopting this line of understanding, for when a man lives, he can win religious merit and attain happiness.

Nowhere is the question of the standards and principles of government discussed by Bhīshma with such dramatic force and vigour as in the seventh and the last extract (XII 140. 1–33) which we propose to analyse here. Here we are told how the gentle Yudhishṭhira, after listening to some of Bhīshma's harsh lessons on emergency policy, can restrain himself no longer. Bewildered and grief-stricken, he asks whether in view of the cruel, disreputable and (as it were) false teaching of his master, there is any rule of conduct among

robbers which is left for him to shun. Replying to this severe criticism of his teaching, Bhīshma explains his characteristic view of the standards of *dharma*. His teaching of *dharma*, he says, has not been derived from the canon (*āgama*) alone, but is the fruit of 'wisdom' (*prajñāsamāvatāra*) and is as it were, the honey gathered by the learned : the king, should make 'cumulative use' of wisdom from many sources (S.K.B.), for he cannot carry on with a one-sided standard of duties (*dharma*) : the kings who are strongest in understanding (*buddhi*) win success, and therefore he should fulfil his duties (*dharma*) with the aid of his understanding : he cannot do so with a one-sided standard of duties : he who does not know alternative lines of policy is confounded when he is confronted with a doubtful occasion, and therefore he should know from beforehand an alternative course of understanding. 'Wisdom', the author sums up, 'has many side-wise facets : it is like a river with devious-flowing currents' (S.K.B.). When the canon, we are further told, is explained by a wise man out of anger, confusion of canonical teachings, and ignorance, it disappears from existence, while he is praised if he explains the sacred texts (*vachana*) in accordance with understanding (*buddhi*) derived from the canon. The speaker supports his plea for joint application of the standards of duties by quoting, appropriately enough, Bṛihaspati's dictum 'after the explanation of Indra'. It has been heard by us, so runs this dictum, that the sacred texts can be grasped neither by (a literal application of) the text, nor by (pure) understanding. This is followed by Bhīshma's repetition of the king's distinctive duty (*svadharma*) explained above. The king, we read, was created for performing cruel acts : ordinary men not made of sterner stuff (S.K.B.) seldom succeed in their worldly affairs : the sin which a king incurs by killing one not deserving death is declared to be equal to that which he earns by not slaying one deserving death : the king should establish his subjects in their respective duties, for otherwise they would devour one another and move about like wolves. He is, the speaker continues, a wretch among Kshatriyas in whose realm robbers go about plundering the property of other people like crows seizing fishes out of the water. In his concluding remarks the speaker after warning the king against being too severe and too gentle, reminds him that he was created for performing cruel acts, and asks him on the high authority of God Indra constantly to punish the wicked and favour the good.

The seven extracts quoted above are of high significance in the history of our political thought, as they involve the most thorough discussion among our ancient thinkers about the moral issues of governmental policies. As regards Bhīshma's general attitude towards the standard of the king's government, he not only defends it by reference to one of his characteristic principles, namely, that the law of the Kshatriya order is above and beyond morality, but he magnifies it as the highest of all such standards by virtue of another principle, namely, that the king's function of protection has the utmost ethical significance. Going into fuller detail, the speaker mentions in the context of his discussion of this branch of his statecraft a fourfold

standard of duty. This comprises the two fresh standards of reasoning and expediency (or wisdom and understanding) supplementing the primary *Smṛiti* standards of the Sacred Canon and convention (or custom). In so far as the standard of expediency is concerned the speaker, while confirming its application to the purpose of self-defence alone, emphatically declares it to be based upon the lessons of experience. What is more the speaker, instead of following the *Smṛiti* principle of the superiority of the canon to convention, boldly pleads for joint application of the four standards, while he repeatedly and emphatically condemns a too strict adherence to the canonical authority. In the next place the speaker mentions three justifying principles borrowed from the old *Smṛiti-Arthaśāstra* tradition in support of his standard of expediency. These are, firstly, the principle of the Kshatriya's distinctive duty (*svadharma*) which is based upon the *Smṛiti* doctrine of supremacy of the law of the social order; secondly, the *Smṛiti* principle of duties of the castes in times of distress (*āpaddharma*) which is based upon the concept of the individual's fundamental right of self-preservation; and thirdly, the principle of supreme importance of the State in the interests of the individual and the community, which is hinted at in some early *Smṛiti* texts but finds its fullest practical application in the *Arthasaśtrā*. The first principle is pressed by the speaker to the point that the Kshatriya's duty is independent of the conventional moral standards so as to justify the king in preserving himself in the last resort by his own exertion through force of arms and by means of the wholesale confiscation of the property of his subjects. The second principle leads the speaker to formulate the dangerous doctrine that violence is the law of life (especially of the ruler) so as to justify the king's seizure of the property of the rich in an emergency. The third principle is developed by the speaker to mean that the State (represented by its two pillars of the revenue and the army) is the foundation of *dharma* ('law' or 'righteousness') as well as the safeguard of the bare life of the ruler and his subjects. This is held to justify the ruler in raising the revenue as well as the army by force. Summing up the above, we may state that the ideas of Bhīshma in the above-quoted extracts mark the most complete application of the spirit of ancient Indian rationalism to politics.

CHAPTER ELEVEN
NOTES

[1] The above follows the reading in the critical edition of the *Mahābhārata*, which is justified by the editor's somewhat dubious argument that 'under a straightforward and honest deal there can be room for preserving secrecy, for assuming an occasional policy of crookedness for a definite end' and so forth.

[2] It deserves to be mentioned in this connexion that the *Kaṇikanīti* occurring in numerous manuscripts of *Mahābhārata*, book I, is a later interpolation (*vide Mahābhārata*, book I, ed. by V. S. Sukthankar, p. 574, and ibid., book XII, part I, ed. by S. K. Belvalkar, p. 936).

CHAPTER XII

THE *MAHĀBHĀRATA*—POLITICAL IDEAS IN THE MAJOR DIDACTIC EXTRACTS (CONCLUDED)

ATTITUDE TOWARDS FIGHTING AND TERRITORIAL CONQUEST

In Bhīshma's view of fighting as in that of Manu we find blended together two streams of influence derived from the older tradition. These are, broadly speaking, the influences of the Brahmanical *Smṛitis* and the technical *Arthaśāstra*. The first aspect of Bhīshma's thought on this point is presented before us in a number of extracts. Before the stage is set for the series of his discourses with Yudhishṭhira, there occurs an incident which gives the warrior-sage an opportunity for expounding his doctrine in a truly dramatic fashion. When Yudhishṭhira, we are told (xii 55. 11–17), is deterred for very shame and fear of curse from appearing in the presence of his wounded grandsire, the latter sends a striking message through Kṛishṇa to overcome his scruples. Just as the duties of the Brāhmaṇas, he says, comprise gifts, Vedic study, and penances, so those of the Kshatriyas lie in casting off their bodies in battle: when the Kshatriya slays in battle his sires and grandsires, his sons, relatives and friends, who are engaged in unrighteous acts, that is declared to be his duty: the Kshatriya, who slays in battle his very preceptors who are greedy and sinful and who violate their obligations, is held to be truly conversant with his duties: a Kshatriya, when challenged to a battle, should always fight, since fighting has been declared by Manu (in his case) to lead to the rewards of spiritual merit and heaven and worldly success. Coming to Bhīshma's series of discourses we find him (xii 60. 14–18; ibid. 63. 18; ibid. 90), while enumerating the duties of the castes and the orders, impressing upon the king (or the Kshatriya) the lesson of fighting for killing robbers, or for victory over enemies. When the Kshatriya, we are further told (xii 60. 16; 98. 24), retreats from battle or dies without wounds on his body, his act is not praised by those versed in ancient lore. While renunciation is regarded as the highest (virtue) by the sages, we read in another place (xii 65. 3), the king who renounces his body in battle is held to be the best of all. Elsewhere (xii 98) Bhīshma, after stating that the kings should purify themselves by gifts and sacrifices and so forth from the sin of killing large numbers of men in their wars and expeditions, proceeds to justify the kings' act of killing others. Those kings who oppress the people in their quest for victory, we read, make them prosper after gaining the same: as the weeder of fields plucks up both the weeds and the corn, but does not destroy the latter, so the king by using his weapons destroys those deserving death, but his extensive destruction

contributes to the advancement of (other) creatures : he who saves creatures from robbery, slaughter and affliction by protecting their lives from robbers performs, as it were, great sacrifices with immunity from fear as the sacrificial fee : he who starts forth to fight in the interests of Brāhmaṇas and makes his own self as it were the sacrificial stake performs a sacrifice with limitless fees : one who seeks to save his own life by abandoning his comrades should be stoned or burnt to death, while a Kshatriya guilty of such an act should be slain like a beast : it is sinful for a Kshatriya to die in bed, while it is commendable for him to die in the company of his kinsmen after slaughtering his foes in battle and after being wounded by sharp weapons. When a king, Bhīshma tells us in another extract (XII 99. 2–13) after an ancient legend, found his general moving in high heavenly regions, he asked God Indra why the latter should transcend him. He had himself, argues the king, governed his kingdom by enforcing the canonical duties, he had studied the *Veda* as well as the science of polity, he had gratified guests, Manes, sages and gods, he had duly observed Kshatriya duties, while by contrast the general had not performed sacrifices or gratified the Brāhmaṇas. The general, Indra replies, had performed the sacrifice of battle, a sacrifice for which every armed warrior qualifies by facing the enemy's troops. In the following chapter (XII 100. 1–18) Bhīshma tells us how the illustrious King Janaka of Mithilā addressed his troops on the eve of a battle by describing the heavenly rewards in store for heroes and the torments in hell awaiting cowards.

The second aspect of Bhīshma's view of fighting is introduced to us in his very first lesson on *rājadharma*, where he quotes a famous text attributed to Uśanas which is repeated with or without change in other passages (II 50. 21 ; V 33. 49 ; XII 23. 15–16), the same being ascribed to Bṛihaspati in the last-named verses. Like a snake which devours creatures living in holes, says the text (XII 57. 3), the earth swallows up two persons, namely, the king who does not fight and the Brāhmaṇa who does not go abroad (for study). In the second extract (XII 69. 22–3) Bhīshma, while deprecating war after the authority of Bṛihaspati, asks the wise king to be content with what he can acquire by conciliation, bribery and dissension. The king who has assembled his forces, we are told elsewhere (XII 103. 16–22), should first try the methods of conciliation, and then have recourse to war. A victory in battle, it is argued, is an evil, and it depends upon caprice or destiny : when a large army breaks up, it is very difficult to check its flight like waters in high flood or a herd of deer in fright : a few resolute men closely knit together can conquer a large force of the enemy : war, therefore, should be avoided if possible, and it should be regarded as the last expedient to be adopted after the failure of conciliation, bribery and dissension.

In the above extracts Bhīshma develops his attitude towards fighting on the two parallel lines that we have noticed (pp. 182–3) in Manu's thought. He amplifies in the first place the *Smṛiti* doctrine of the king's obligation of fighting in accordance with the law of the Kshatriya's or the king's order.

By the inexorable law of his order, we are told, the king is bound to fight not only (as in Manu) in answer to a challenge, but also for the suppression of the sinful regardless of their status as well as for the protection of Brāhmaṇas. The king, again, is required, as in Manu, to stake his life in battle, Bhīshma adding severe temporal as well as moral and spiritual penalties for one shirking his duty in this respect. Bhīshma's distinctive contribution lies in his ethical justification of a king's act in killing and being killed which is based upon two principles. The king's sacrifice of his body in battle, it is argued, is the highest of all sacrifices, while killing some is the necessary condition of preserving the rest. In the second place, Bhīshma with more consistency than Manu and fulness than Yājñavalkya warns the king on the one hand against the political danger of extreme pacifism, and on the other hand against the great risks of war except as a last alternative, and he quotes specific *Arthaśāstra* texts as his authorities.

Bhīshma's attitude towards territorial conquest by the king (or the Kshatriya) is definitely more positive than the somewhat hesitant view of Manu. The king, he says (XII 73. 14) after Yājñavalkya quoted in the previous chapter, should make over to Brāhmaṇas of learning and character whatever lands he has conquered. When the king is convinced of his superiority in material resources and as regards time of attack, we are further told (XII 95. 6), he should seek to win the lands and the riches of his enemy. The king having marched against the (enemy's) kingdom, we read elsewhere (XII 96. 2–5), should boldly proclaim his sovereignty, and offer the people the alternatives of payment of the lawful taxes or war : should those who are not Kshatriyas offer resistance in disregard of their distinctive duties, he should break down their opposition by all means. The above extracts, it will be noticed, contain a definite plea for territorial conquest and annexation by a ruler on the specified lines and for the approved ends mentioned therein.

THE CHARACTERISTICS OF CLAN-REPUBLICS

The problem of the working of clan-republics (*sañgha* or *gaṇa* in the political sense of the term), which had been treated summarily by an early Buddhist canonist and from a strictly practical standpoint by Kauṭilya, is discussed from a more philosophical point of view by Bhīshma. In the first extract (XII 81. 38–9) the problem is presented as an offshoot of the bigger question of a king's policy towards his kinsmen. Here when Bhīshma says that the king should honour his kinsmen in word and deed and do what is good for them, and that he should outwardly trust them while not doing so in reality, Yudhisṭhira asks in the immediately following chapter 'Should the kinsmen and relatives fail to respond to this treatment, what should be the attitude towards friends and foes?' To this Bhīshma replies by quoting the story of the sage Nārada's discourse to Vāsudeva Kṛishṇa, the latter being reputed in the Epic tradition to be the executive head (*sañghamukhya*) of two republican clans, namely, the Andhakas and the Vṛishṇis. In this story Vāsudeva explains his difficult situation to the sage in words of poignant

pathos. Although he behaves like a slave towards his kinsmen by speaking about their high fortunes and shares his good things equally with them and forgives them their evil speeches, his heart is ground down by their recriminations as a fire-stick is ground down by a person desirous of producing fire. Referring to the attitude of the chief clansmen, he says that whether they do or do not range themselves on his side, it creates a difficult situation for him : between the two heroes Āhuka and Akrūra his position is like that of a mother of two brothers gambling with each other, for while he wishes victory for the one, he does not wish defeat for the other. He accordingly asks the sage's advice for the well-being of himself as well as his kinsmen. In his reply the sage, after mentioning two classes of calamities (namely, the internal and the external), observes that Vāsudeva's danger belongs to the former category. He had transferred to others, whether out of set purpose or caprice or disgust, the sovereignty obtained by himself : the sovereignty that has thus struck deep roots and attained publicity cannot now be taken back, while the authority assigned to the two chiefs Babhru and Ugrasena cannot now be regained in any way : even if that were possible with great effort, it would cost much expenditure in men and money and might even lead to disaster. Vāsudeva, therefore, should correct the tongues of his kinsmen by using a weapon which is mild and not made of iron, and yet capable of piercing their hearts : this weapon consists in giving food to the best of one's ability, forbearance, self-restraint, straightforwardness and honouring others as they deserve. Vāsudeva should further mollify with his words the hearts and minds as well as the speech of his clansmen when about to fling harsh and light words against him. This leads the speaker to lay down a general qualification for the leaders of States and governments. No one who is not a great man and is not self-controlled and equipped with allies, he says, can bear a heavy burden : all oxen, he observes by way of illustration, can bear heavy burdens on an even road but only 'the paragon of an ox' can bear the burden on a difficult road. Finally, the speaker addressing Vāsudeva as the executive head of the *sañgha* reminds him that internal dissension leads to the ruin of *sañghas*, that the *gaṇa* does not submit even to a wise leader unless he possesses the qualities of intelligence and forbearance, self-control and charity, and that Vāsudeva Kṛishṇa should act in such a way that his clansmen may not come to ruin.

In the above extract it will be observed, the speaker repeats the old *Arthaśāstra* idea of the double danger of States (the internal danger being held to be more serious than the external), while he declares with the older thinkers disunion to be the fatal weakness of republics. The speaker, however, strikes an original note by discovering a remedy for this evil. Declaring that the situation in the present instance was created by the unwise act of the supreme executive head in raising other chiefs to a position of high authority, he suggests the exercise of the highest qualities of intelligence and forbearance by that head so as to disarm all hostilities and consolidate the strength of the republic.

If in the above extract the problem of clan-republics is discussed by the speaker in the context of a single specimen of this class and with exclusive reference to the qualifications of its executive head, he deals with the same in general terms in another chapter (XII 108). Here Yudhishṭhira, wishing to be instructed about the behaviour of republics (*gaṇas*), asks Bhīshma how these can prosper instead of being broken asunder, and how they can conquer foes and win friends. Disunion, he explains in anticipation of Bhīshma's reply, is the root of destruction of the *gaṇas*, while guarding of deliberation is difficult among the many. Bhīshma begins by explaining the genesis and the development of the former evil. Among the *gaṇas* and the families (which are their constituent units) as well as among kings, he says, hostilities are provoked by greed and anger: at first one is seized with greed (for another's possession) and (when this is not gratified), he is filled with anger (against the other man): then these two suffer loss in men and money mutually inflicted, and finally the many afflict one another by the application of espionage, intrigues and force, by the threefold policy of conciliation, bribery and dissension, and by methods involving the expenditure of men and money as well as intimidation: at last the *gaṇas* whose nature is to live by unity are torn asunder by the policy of bribery, and being divided and dispirited, they succumb to the enemy through fear. As *gaṇas* are ruined through disunion, and being disunited fall a prey to the enemy's intrigues, the speaker further observes, they should constantly strive for concerted action, for it is only through the strength of such action that they attain their ends and are benefited by foreign powers: when the *gaṇa* is split asunder and is of different minds, its interests suffer and it is overtaken by evils: it is a sign of defeat, when people overcome by sudden anger or greed or by innate perversity cease to speak with one another: all clansmen are equal in caste and family status, but not so in the qualities of heroism, intelligence and material possessions. While the *gaṇas*, concludes the speaker, are brought under the enemy's control by their disunion and heedlessness, unity is held to be their great asset. The remedy suggested by the speaker is very interesting. When the *gaṇas* led by their mutual dissensions pull in different directions, we are told, they should be quickly suppressed by the wise (leaders of the clan): by contrast when quarrels breaking out in the families (*kula*) are disregarded by the family elders 'they turn the *gotra* (family) into a potent cause for dissension in the *gaṇa* as a whole' (S.K.B.).

Referring to the second evil pointed out by his royal interlocutor, Bhīshma observes that the *gaṇas* prosper when those who are wise and heroic, who are great warriors and who display steady prowess in the performance of their work are honoured. Those who are heroic, possessed of great resources, versed in the knowledge of weapons and proficient in the canonical lore, it is explained, rescue the ignorant *gaṇas* from grave dangers. Since *gaṇas* are quickly brought under the enemy's control by (the passions of) anger, disunion and fear as well as (the application of) punishment, persecution, oppression and executions, the executive officers of the *gaṇa* (*gaṇamukhya*)

must be specially honoured : in fact the course of worldly affairs depends very largely upon them : since the *gaṇas* as a whole are not fit to listen to the State-counsels, secrecy of counsel as well as espionage must be entrusted to the leaders (*pradhāna*) : the executive officers of the *gaṇa* should concertedly and secretly carry on what is good for the *gaṇa*.

In the same context the speaker mentions what he evidently considers to be some minor factors of success of republics. The *gaṇas*, he says, attain every happiness when they mutually honour and serve the learned and abstain from deceit : they prosper when they establish and properly follow righteous customs : they prosper likewise when they restrain their sons and grandsons and constantly teach them discipline and chastise those that are undisciplined : they prosper again when they are constantly attentive to counsels regarding espionage and the collection of revenue.

The above extract is important for several reasons. In the first place, the speaker, while repeating the old *Arthaśāstra* idea of the danger of disunion among republics, makes a careful diagnosis of this evil and suggests its cure. Disunion, he says, has its roots in the selfish passions of the citizens arising out of their intellectual, moral and material inequality, which being allowed to grow unchecked engulf the wider unit of the family, and ultimately bring about the collapse of the whole community. The remedy lies in the swift preventive action of the wise leaders and vigilance of the family elders. In the second place the speaker breaking new ground discovers another source of weakness of republics in their incapacity for secret deliberation because of their ignorance and their prejudices. The remedy lies in concentrating the vital functions of policy-making and espionage in the hands of the magistrates, and more generally in recognising the superior status of wealth, learning and character. In the third place, the speaker mentions a short list of the qualifications of the citizens comprising respect for learning, straightforwardness, adherence to righteous customs, moral training of the young, and attention to espionage and the finances of the State.

We may pause here to compare and contrast the above analysis of the conditions of success of clan-republics with its counterpart in two passages of the Pali Canon which have been discussed above (pp. 76–7). This suggests at first sight some striking coincidences between the two sets of texts. These are concerned with the qualifications of the citizens as regards honour to the deserving, practice of discipline and observance of good customs. There is, however, one important difference between the two groups of ideas. In the opinion of the Buddhist canonist full and frequent assemblies as well as meeting together in concord and transacting business in concord constitute one of the vital conditions for the success of republics. By contrast the Brāhmaṇa canonist being convinced of the ignorance and passions of the masses advises concentration of authority in the hands of the *élite* of the community, and more especially in those of the magistrates. The contrast, then, is one between a policy of emphasis on the public spirit and patriotism of the citizens and one of centralisation under the

rule of the select few. It is permissible to attribute this striking divergence of outlook of the later thinker to that authoritarian aspect of his thought which led him simultaneously to lay down the doctrine of the Divine creation of the king and his coercive authority. It may also be held that this is in line with the course of contemporary history which witnessed a tendency of the republican States of this period to place themselves under the protection of individual leaders obviously for better defence against external aggression.

DOCTRINE OF THE TWO POWERS AND THE THEORIES OF BRAHMANICAL IMMUNITIES AND PRIVILEGES

The old Vedic doctrine of the two powers, namely, the spiritual and the temporal, is dealt with by Bhīshma in a few passages. In the course of an enumeration of the duties of the castes Bhīshma (XII 60. 23) says, in the words of Manu (IX 327) quoted elsewhere, that the Lord of creatures bestowed domestic animals upon the Vaiśya just as He bestowed all people upon the Brāhmaṇa and the king. In a second extract (XII 73. 4–8) Bhīshma, after repeating the old Vedic dogma of creation of the four castes out of different limbs of the Creator's body, defines the divine purposes of their creation. The Brāhmaṇa by his very birth, he says in the words of Manu (I 99), becomes the inheritor of the earth and the lord of all creatures, for the purpose of protecting the treasure of the law : thereafter the Lord created the second caste, the Kshatriya, the protector of the earth and the wielder of the rod of chastisement (*daṇḍa*) for the purpose of protecting the creatures : the Creator likewise ordained that the Vaiśya should support the three other castes with his money and his crops, and that the Śūdra should serve the three other castes. The above extracts involve, as in Manu (p. 184), the application of the Vedic dogma of Divine creation of the social order for justifying the doctrine of the two powers. The Brāhmaṇa and the Kshatriya, we are told in the second and the fuller extract, derive their supreme and universal as well as their political authority respectively from the Divine will. By contrast we read that the Vaiśya and the Śūdra are divinely ordained respectively for the purpose of maintaining and serving the two powers.

The theories of Brahmanical immunities and privileges are developed by Bhīshma on Manu's lines (pp. 184ff.), but they present some new features Let us begin with the Brāhmaṇa's private rights. In his very first lesson on *rājadharma* Bhīshma (XII 56. 24–5) quotes two verses from Manu's work on duties (the original *Manusmṛiti* ?). Fire, the first verse reads after Manu (IX 321), sprang from water, the temporal power from the spiritual and iron from stone, and the all-penetrating force of these three is extinguished at their source : when iron strikes stone, so runs the second verse, when water comes into contact with fire, and when the temporal power hates the spiritual, they come to grief. To whom, asks a king of the Wind-god in a second extract (XII 73. 9–12) quoted by Bhīshma, does the earth with its riches belong, to the Brāhmaṇa or to the Kshatriya (used in a derogatory sense) ? Whatever exists on this earth, is the god's emphatic reply, belongs according

to those learned in the law to the Brāhmaṇa because of his prior and superior birth : the Brāhmaṇa eats but his own food, wears but his apparel, and gives but what is his own. Just as a woman after the death of her husband, explains the god by using the simile of a well-known ancient custom, selects his younger brother for her husband, so the earth accepts the Kshatriya as her lord as being the next-born. This leads to the practical conclusion that the king should bestow land conquered in war upon Brāhmaṇas of learning and character. The Brāhmaṇa, we are told by the sage Kaśyapa quoted by Bhīshma in the following chapter (XII 74. 30–31), was created first according to those learned in the law : because of his prior and high birth everything that is good in this world is vested in him : the Brāhmaṇa, therefore, should be honoured and respected, he should be given the first portion of the cooked food, and all that is best should be bestowed upon him even by a powerful king.

The claim made on behalf of the Brāhmaṇa's person and property in the foregoing extracts passes in other passages into his general title to honour and respect at the hands of the Kshatriyas and other classes. As a woman's duty, we are told in one place (XIII 8. 20–22), has reference to her husband who is her lord and her refuge, so do the Kshatriyas stand in relation to the Brāhmaṇas : just as a woman without a husband accepts his younger brother as her lord, so does the earth accept the Kshatriya in default of the Brāhmaṇa. In a second extract (XIII 33–6) Bhīshma justifies by a number of arguments the Brāhmaṇa's claim to be honoured and protected by the king, to receive gifts, to be maintained by the householders and to be exempt from censure and from being hurt or killed. Neither by the gods, nor by the Fathers, nor by the demi-gods, nor by the demons, he argues, can the Brāhmaṇa be vanquished : the Brāhmaṇas can make one who is not a deity a deity and vice versa, while one whom they wish to be so becomes a king and one whom they dislike suffers ruin : because of disregarding the Brāhmaṇas the demons were forced to take refuge in the waters of the ocean, while the gods because of propitiating them became entitled to residence in heaven : the Brāhmaṇas are difficult to subjugate just as the sky is incapable of being touched, the Himalayas of being moved and the Gañgā of being resisted by dams : the Brāhmaṇas have Soma for their king, and they are entitled to universal respect by virtue of their birth. Distinguishing in this context between the sources of the two powers, the speaker observes that the Brāhmaṇa whose strength lies in his speech wins all success by his austerities : while the Kshatriya's strength lies in his arms, the Brāhmaṇa's weapon lies in his speech. In a third extract (XIII 151. 3–23) Bhīshma similarly justifies the Brāhmaṇa's right to be honoured and supported by the Kshatriyas. The Brāhmaṇas, he argues, are, as it were, the causeways of *dharma* : their great wealth consists in their austerities, their great strength lies in speech, they are the source of duty, they are the lamp of all the world and the eyes even of those who have sight : they are conversant with the ways of all creatures and their thoughts are centred on the science of the soul :

they look with equal eyes upon sandal-paste and filth, upon what is food and what is not so, upon precious silk and the skins of animals : they devote themselves to the study of the *Vedas* and restrain their senses. Taking up a bolder line of argument in the following verses, the speaker advances the argument of the Brāhmaṇa's omnipotent might surpassing that of the gods, and that of the Brāhmaṇa's divinity irrespective of his learning and character.

Let us now turn to Bhīshma's reference to the public rights of the Brāhmaṇas. Asking the king in one place to appoint his domestic priest (*purohita*) Bhīshma says (XII 74. 1–5) that the king and his *purohita* being fixed in righteousness and firm in faith and practised in austerities, being mutual friends and having the same minds, benefit the people, the gods and the Fathers : when the spiritual and the temporal powers are honoured, the people are happy, and when these are not honoured they perish, for the spiritual and the temporal powers are said to be the root of all duties. When the spiritual and the temporal powers are in conflict, says the sage Kaśyapa quoted by Bhīshma in the same context (ibid. 8–32), the Kshatriya kingdom is ruined and it is infested with robbers : when Brāhmaṇas abandon Kshatriyas, their oxen do not thrive, and their pots of milk are not churned in their households, they along with their sons do not study the *Vedas* or perform sacrifices, and they are reduced to the condition of robbers : these two are constantly joined with each other for their mutual protection, for the spiritual power is the source of the temporal power and vice versa : when they constantly help each other, they attain high prosperity, but when their primeval union is broken, everything is plunged in confusion and the people suffer destruction. The sage concludes by saying that the spiritual power benefits the temporal and the temporal power the spiritual. Declaring in the following chapter (XII 75. 1–22) the acquisition and preservation (*yogakshema*) of a kingdom to depend upon the king and those of the king upon the *purohita*, Bhīshma says that the kingdom thrives when the spiritual power dispels 'unseen' fears and the king with the might of his arms dispels the 'seen' fears. In a story quoted by the speaker in the following lines King Muchukunda, replying to the demi-god Kubera's taunt that he owed his victory over his enemies to his *purohita*, explains afresh the relation of the two powers. The Self-Existent One (Brahmā), he says, created the spiritual and the temporal powers out of a common source, but ordained for them separate functions for protecting the world : the strength of austerities and prayers resides constantly in the Brāhmaṇas and that of weapons and physical might in the Kshatriyas, and these should join each other for the protection of the people. The story proceeds to state how the king, giving a practical demonstration of this principle, rejected Kubera's offer of sovereignty over the earth and earned it by his own might 'in accordance with the duty of the Kshatriyas'. The Brāhmaṇa, Bhīshma concludes, should constantly perform religious rites and the Kshatriyas should wield weapons 'for whatever exists on the earth depends upon them'. Finally, we may refer to the extract (XII 79.19–32) quoted above where Bhīshma justifies the

Brāhmaṇa's right of resistance against a Kshatriya swollen with pride on the ground that the spiritual power is the source of the temporal. This is accompanied by a repetition of the two verses (XII 56.24–5) quoted elsewhere tending to prove by a few analogies that even the might of the temporal power is impotent against the might of the spiritual power. When a king being intoxicated with pride, we read in a later and much longer extract (XIII 152–7), proclaimed that he had no equal in the qualities of heroism and prowess and when in reply to a divine warning he declared that the Kshatriyas were the source of refuge of the Brāhmaṇas and not vice versa, the Wind-god put him to complete silence by recounting successive stories of the mighty achievements of Brāhmaṇas against Kshatriyas in ancient times.

In the above extracts the immunities and privileges of the Brāhmaṇas are sought to be based upon the speaker's development of the old Vedic and *Smṛiti* principles relating to the birth and status of this class as well as their relations with the Kshatriyas. Thus in the first place the Brāhmaṇa's claim to the immunity of his person is founded upon the speaker's interpretation of the old Vedic doctrine of derivation of the temporal power from the spiritual so as to mean that the might of the former is powerless against the latter. As regards the Brāhmaṇa's property rights, his claim to the king's territorial conquests and more generally to the good things of the earth is justified by the speaker's original development of the Vedic dogma of creation so as to signify that the Brāhmaṇa by virtue of his prior and superior birth is *de jure* the universal owner with the Kshatriya functioning as the *de facto* owner by his sufferance. In the next place, a bundle of private rights (involving the title to respect and protection at the king's hands and to charity on the part of the public, to immunity of person and to freedom from censure) is claimed for the Brāhmaṇa after the old Vedic ideas of his extraordinary potency and the fiction of Soma's sovereignty over him. Further the Brāhmaṇa's title to the king's respect is based in general upon his learning and character as well as upbringing. Finally, the Brāhmaṇa's claim to the office of the king's chaplain is founded upon the application of the two old Vedic doctrines of co-ordination of the two powers and derivation of the temporal power from the spiritual. The former doctrine is supported by a number of principles. Such are the ideas of mutual dependance and derivation of the two powers, of their co-operation in their common interest and the interest of the community and of Divine ordination of their complementary functions of protecting the people against spiritual and temporal dangers respectively. The latter doctrine is amplified to mean that the might of the temporal power is unavailing against the spiritual power.

It remains to notice in this connexion another aspect of Bhīshma's thought which consists in imposing limitations upon the Brāhmaṇa's immunities and privileges in the light of the older *Smṛiti* principles. In his very first lesson on *rājadharma* Bhīshma, after enjoining on the authority of 'Manu' the Brāhmaṇa's exemption from corporal punishment, mentions a striking

exception to this rule. The ruler mindful of his duties, we read (XII 56. 29–30), should chastise in accordance with the distinctive law of his order even one who has mastered the *Vedas*, if the latter rushes forth with uplifted weapons : he who rescues the law (*dharma*) which is in danger of destruction truly knows the law, and he does not by that act become a killer of the Brāhmaṇas, for in this case fury recoils upon fury. These two verses are quoted by the speaker from Uśanas, but they are found with but slight changes in Vaśishṭha III 20 and Manu VIII 351 respectively. In a second extract (XII 77. 7-9) Bhīshma, while asking the king to exact the agricultural tax as well as forced labour from Brāhmaṇas negligent of their duties, justifies this on the ground that the king is the owner of the wealth of those who are not Brāhmaṇas as well as of those Brāhmaṇas who have fallen off from their duties. In the above the first extract involves an old *Smṛiṭi* principle, namely that the immunity of the Brāhmaṇa's person is negatived by his violence on the ground that violence begets violence. The second extract declares that the immunity of the Brāhmaṇa's property is nullified by the neglect of his duty, thus repeating the *Mahābhārata* principle mentioned elsewhere (p. 211) that ownership is founded on virtue.

ATTITUDE TOWARDS MORALITY

If now, at the conclusion of our survey of the tendencies and characteristics of Bhīshma's political thought, we ask the question about his attitude towards morality in relation to statecraft, our answer is bound to be of a somewhat complex character. On the one hand we have seen how Bhīshma (and his authorities) emphatically declare righteousness to be the essence of kingship and in fact the divine purpose of its creation, while he considers the king's observance of righteousness to be the foundation of his own security and happiness as well as those of his subjects. It has also been shown how Bhīshma conceives ownership emphatically to be founded upon virtue. Even in the branch of inter-State relations the king is solemnly enjoined to seek victory through righteousness. On the other hand it has been stated that Bhīshma, while discussing the moral issues of some facets of his state-craft, introduces a new standard of duties called the standard of expediency (*upāyadharma*). This is sufficiently condemned by his own judgement that while it is highly useful for carrying on worldly affairs, it is not commendable from the standpoint of ethics, since it involves the immediate oppression of the rich, although afterwards attended with forbearance. In fact it permits the king in a grave emergency to fill his treasury with confiscation of the property of his subjects. Of the three principles justifying this policy, the first (namely, the concept of the Kshatriya's distinctive duties) is virtually pressed by the speaker to mean that the king's conduct is in the last resort independent of the conventional moral standards, the second (namely, that of duties in times of distress) to imply that violence is the law of life, and the third (namely, that of the supreme importance of the revenue and the army) to suggest that the State is above and beyond morality. In the sphere of war

and diplomacy, still more than in the branch of internal administration, Bhīshma condones or even sanctions the sacrifice of morality for political ends. Thus while solemnly impressing upon the king (as stated above) the lessons of righteous warfare, he nevertheless allows himself to justify unrighteous war on such grounds as those of necessity and reciprocity. When the weak king, we are told (XII 69. 21–2), is attacked by a powerful enemy, he should afflict the enemy's kingdom with fire and sword as well as the application of poison. If the hostile king, we read elsewhere (XII 96.9), even in connexion with the rules of warfare between Kshatriyas, fights with deceitful means, he should be met with deceit: if he fights righteously, he should be encountered with righteousness. In the field of diplomacy Bhīshma repeatedly condones, if not recommends, a policy of deceit and treachery towards a king's enemies. The king, he says (XII 101. 4–5) in reply to a question about winning victory through a slight breach of righteousness, should be conversant with both kinds of policy, namely, the straightforward and the crooked, the latter being reserved for meeting imminent dangers: since the enemies frequently harm the kings by creating dissensions, he should apply his knowledge of deceit to foil them. As a fowler, says the sage Bṛihaspati quoted by Bhīshma (XII 104. 10), captures birds by mimicking their cries, so should the king bring his foes under subjection, and then kill them. The avenger of enmity, says the wise bird in the parable cited by Bhīshma (XII 137. 39), must be killed by the Kshatriya or the king by fair means or foul, subject only to the consideration of expediency. Above all the sage Kaṇiṅka Bhāradvāja in the course of his long address quoted elsewhere (pp. 224–5) recommends a policy of unrelenting hostility accompanied by deliberate treachery and heartless cruelty towards the king's enemies. Summing up the above, we may state that the two strands of thought which we may broadly distinguish as those derived from the old *Smṛiti* and the *Arthaśāstra* traditions, cross and recross each other's path in Bhīshma's political speculation with a distinct tendency of the latter to assert itself at the expense of the former.

CHAPTER XIII

THE *MAHĀBHĀRATA*—POLITICAL IDEAS IN THE MINOR DIDACTIC EXTRACTS

MISCELLANEOUS IDEAS

We have endeavoured in the three foregoing chapters to analyse the political ideas of the *Mahābhārata* in its largest and most authoritative collection, namely, that attributed to the warrior-sage Bhīshma. Such ideas, moreover, are found in a number of minor didactic extracts to which it is now necessary for us to turn. We shall deal in the first place with a group of miscellaneous extracts bearing on this subject. In the first extract (I 37.20–27) an ascetic rebukes his son for his unascetic act in cursing a king even under a grave provocation. Should the king not protect us, says the sage, we should suffer grave affliction and should be unable to perform our duties: being protected by kings gifted with insight into the canon, we are able to acquire great merit, and the kings acquire a portion thereof according to the law.

In a second extract (II 5. 7–113) the sage Nārada instructs Yudhishṭhira in the form of an elaborate questionnaire about the affairs of government. The king, we read in effect, should rescue his subjects from fivefold fear, namely, the fear of fire, snakes and wild animals, of disease and demons: he should cherish like a father, the blind, the dumb, the lame, the deformed, and the friendless as well as the ascetics: he should not afflict his subjects with overmuch severe punishment: he should live according to the course of conduct pursued by his ancestors, acquiring Virtue and Wealth: when the plaintiff and the defendant approach the king, he is not to repulse them under the influence of pride, infatuation or caprice: no honest man should be falsely charged with theft and oppressed out of greed by the impious officers, and no thief should be set free by them under the same influences: the officials are not to be permitted to decide wrongly the disputes between rich and poor by taking bribes: while the weak enemy is to be put down by force alone, the strong one is to be subdued by the application of intrigue (*mantra*), or else by both intrigue and force. The king should pursue the threefold end of life (Virtue, Wealth and Pleasure) simultaneously: he should conquer his own self before attempting the subjugation of his enemies: he should shun a group of fourteen royal vices comprising atheism, untruthfulness, anger, heedlessness, procrastination and so forth, as well as deliberation by himself or with those ignorant of affairs, neglect to carry decisions into effect and failure to maintain the secrecy of counsel: a single wise servant, the speaker further observes in the course of an analysis of the qualifications of different officials, is equal to one thousand fools, and a single official (*amātya*) intelligent, heroic, self-controlled and wise is capable

of leading a king or a prince to high prosperity : the superior, intermediate and inferior posts are to be filled by men of corresponding qualities. Counsel, the speaker continues, is the root of a king's success : the king's secret counsel should not be divulged by himself or his ministers : he should not deliberate by himself or with too many ministers : having decided on a course of action easy to accomplish and productive of great result, he should swiftly carry it into execution : the king's acts that are completed or about to be completed may be divulged, but not those which are only in contemplation. The accountants and the clerks employed in the work of income and expenditure, we are lastly told, should daily report to the king at the appointed time : the expenditure is to be met out of one-half or one-third or one-fourth of the income : if the pay of the troops is kept in arrears, they become disaffected and cause great harm : the king should employ spies in batches of three each, all unknown to one another.

In a third extract (III 27. 5–20) the sage Baka Dālbhya addressing Yudhishṭhira makes out a strong case for the king's consultation with his Brāhmaṇa advisers. When the spiritual power (*brahma*) is joined with the temporal power (*kshatra*) and vice versa, he argues, they gather momentum and consume their enemies just as fire fanned by the wind burns down the forest : the Brāhmaṇa possesses unequalled insight (*dṛishṭi*), while the Kshatriya has unparalleled might (*bala*), and the whole world is gratified when they operate together : the king who is desirous of winning this and the other world should not esteem it long to be without a Brāhmaṇa, while he who has a Brāhmaṇa of learning and character overcomes his enemies. The sage illustrates his lesson by quoting the story of the demon-king Bali who after winning the whole earth with the aid of Brāhmaṇas perished because of oppressing them. The temporal power without a Brāhmaṇa, we are lastly told, loses its strength 'like an elephant in battle without the driver', while the Kshatriya combined with the Brāhmaṇa consumes enemies 'just as a great flame combined with the wind burns down straw'.

In a fourth extract (III 149.29) the wise monkey-chief Hanumant, after stating that mankind is supported by the rules of policy (*māyā*) laid down by Bṛihaspati and Uśanas as well as by Economics (*vārtā*), refers to a category of three 'sciences' which consist of the *Vedas* (*trayī*), Economics (*vārtā*) and Politics (*daṇḍanīti*). When these sciences are well directed, we are told, they promote the course of worldly affairs : without the laws of *trayī*, religious rites could not be performed : without *daṇḍanīti* all restraints would disappear : should the people depart from the laws of *vārtā*, they would perish : when, on the other hand, all these three sets of rules are well applied, the people prosper. Counsel (*mantra*), it is further observed, is the source of all policy (*naya*), and therefore the king should consult qualified ministers.

We may next refer to a fifth and a very long extract (III 181–221) in which the sage Mārkaṇḍeya discourses to the Pāṇḍava brothers on various topics. We read in the first place (ibid. 183.10–27) how a sage hailing a king as the Creator (*vidhātā*) like Indra and Prajāpati is rebuked by another sage for

his foolish flattery, and how they carried their dispute to a third sage called Sanatkumāra for his decision. Giving his decision in favour of the first sage, Sanatkumāra asks, who will not honour the man that is praised with such epithets as the primordial (incarnation of) justice, the lord of men, Indra, Śukra and Bṛihaspati ? The sages, we read, being apprehensive of unrighteousness placed strength in the hands of the temporal power (*kshatra*) : as among the gods in heaven the sun dispels darkness by his effulgence, so does the king completely root out unrighteousness from the earth : the king's pre-eminence is derived from the evidence of the Sacred Canon. In the second place we are told (ibid. 198.25–35) how a virtuous fowler addressing a Brāhmaṇa observes that the king protects according to the law the people who follow their duties, while he leads back to the path of duty those who have fallen off from the same : like a huntsman killing the deer with his arrows, kings slay those who have fallen from their duties : should kings disregard their duties, righteousness would be greatly weakened and unrighteousness would increase and the people would dwindle : should kings become unrighteous, monsters, dwarfs, hunchbacks, as well as impotent, blind and deaf persons would be born among human beings.

In a sixth extract (III 297.26–61) Yudhishṭhira, in the course of his replies to a series of riddles put to him by the God of Justice (disguised as a heron), observes that a country without a king is dead, and that bad conduct in a Kshatriya consists in abandoning those in distress.

We may next mention a seventh and a long extract (v 33–41) containing the sage Vidura's address to Dhṛitarāshṭra on general morality. Vidura (ibid. 39) includes the country without a king in a list of persons and objects that should be pitied, while he mentions (ibid. 38) the king in a list of persons against whom one should control his anger, and he includes (ibid. 33 and 35) behaving inimically towards the king in a list of acts that should be avoided. The wise man, the speaker further observes in Bhīshma's words (XII 67.6–11) quoted above, should bend before the strong on the analogy of the cow that is easily milkable suffering no pain and the wood bending of itself not requiring to be heated, and because he who bends before the strong bows to the god Indra. Similarly after Bhīshma (XII 57. 44–5) the king who fails to give protection is included (v 33) in a list of persons who should be abandoned like a leaky boat at sea without the helmsman. When the king practises righteousness which is followed by good men from early times, we read in the next place (ibid. 23–4 ; ibid. 34), the earth itself contributes to his greatness, but if he disregards the same in favour of its opposite, the earth contracts for him like leather cast into the fire : the king should make himself agreeable to his subjects in look, thought and speech, while on the other hand he is not to make himself feared by them as deer are feared by the huntsman. The king who gives up anger and love of pleasure, the speaker continues (ibid. 33 4), is accepted by the world as an authority : the king must not behave with impunity in the thought that the kingdom has already been won by him, for want of discipline (*avinaya*) destroys fortune as old age destroys

beauty : first the king is to conquer his own self, and then to bring under control his ministers and his foes. The strong king, we are further told (ibid. 33–8), should not deliberate with four persons, namely, those of shallow understanding, those that are procrastinating, those that are indolent and those that are flatterers : the king's success lies in secrecy of counsel and consultation should be held in a secret place and should be guarded as a close secret till it finds its fruition in act. The king in his own interest, it is further observed, should consider the factors of Equilibrium (*sthāna*), Progress (*vṛiddhi*) and Decline (*kshaya*) of States : he is a wise man who disregards no foe, however weak, who does not seek hostilities with the strong and who displays his prowess at the proper time : having provoked the hostility of one who is incapable of inflicting great injury upon himself, he must not derive comfort from the thought of his distance. Men, we read further on, have five kinds of strength which consist, in the ascending order of their importance, of the strength of their arms (*bāhubala*), the acquisition of ministers, the acquisition of wealth, the strength of birth (*abhijātabala*) derived from ancestors, and lastly, the strength of intellect (*prajñābala*) : the foremost of all these kinds of strength is that of intellect by which all the others are acquired. Lastly it is observed after a dictum of Manu (IX 321) and the *Mahābhārata* (V 15. 32 ; XII 56. 24) that fire sprang from water, the temporal power from the spiritual, iron from stone, so that the all-penetrating force of these three is extinguished at their source.

We may next refer to an eighth extract (V 130. 13–8) containing the heroic Queen Mother Kuntī's message to her sluggish son Yudhishṭhira. When *daṇḍanīti* is properly applied by its wielder, we read, it leads the people to perform their duties, while it prevents them from violating the same : the best of the Age-cycles, namely, *Kṛita*, arises when the king applies *daṇḍanīti* fully : the king wins very much or little of heaven or just his own deserts or else suffers eternal torments in hell, according as he sets in operation the *Kṛita*, the *Tretā*, the *Dvāpara* or the *Kali* Age : the king whose subjects are well protected wins one-fourth of their spiritual merit, and the king who practises *dharma* becomes almost equal to the gods.

Mention may be made lastly of a ninth extract (XII 25) comprising the sage Vyāsa's address to Yudhishṭhira. When the king raises his revenue from one-sixth of the produce but fails to protect his kingdom, says the sage, he incurs one-fourth of the sins of the people : when the king punishes those deserving punishment in accordance with the canon, when he subdues his passions, and when he behaves impartially towards all like a father, he does not swerve from his duties : on the other hand the king who does not protect his subjects, who is undisciplined, proud, vain and malicious incurs sin and is called a tyrant : the king should overcome his foes by force or policy, he should not make peace with sinful men, and he should not make his kingdom an article of merchandise : he should appoint learned men for the decision of disputes, and he should not trust a single man however virtuous and wise.

The above group of extracts repeats for the most part some well-known political ideas of the *Arthaśāstra-Smṛiti* tradition. Beginning with the bearing of the traditional sciences upon human affairs we read (III 149) that Economics, Politics and the Sacred Canon constitute the triple support of the people, the first ensuring their bare life, the second their ordered existence and the third their virtuous life. This recalls Kauṭilya's justification of the sciences in the scale of human values with the important omission of Philosophy from the list. As regards the principle of the king's authority we are told (I 37 ; III 297 ; v 30 ; ibid. 38–9) after Manu and Bhīshma that the king by exercising his function of protection ensures the happiness of the individuals as well as their complete life based upon fulfilment of their individual obligations, and furthermore the stability of the social order : the king, again, is the maker of his Age in the sense that the degree of his application of the science of polity is the key to the prevailing time-spirit : the king, we are further told (III 183 and 198), is entitled to the peoples' honour and support not only because of his reputed equivalence to the gods, but also because of his fulfilment of the purpose of his creation, namely, righteousness : the people, it is further observed (v 38), should bend before the strong in the interest of their own security, a principle which repeats the older crude conceptions of the foundation of the State on force. On the other hand the king's obligation of protection is supported (v 33 ; ibid. 130 ; XII 25), as in the thought of Manu and of Bhīshma, by the sanction of the law of *karma* in its primary as well as derivative sense : against the evil ruler, again, the subjects are entitled to passive resistance of the type mentioned in an extract of Bhīshma's address quoted above, which consists in withdrawing their obedience from him. As for the principles and purposes of government (II 5 ; III 198 ; v 34 ; ibid. 38), relief of the subjects against human and providential calamities, paternal affection for the weak and the infirm, strict impartiality, passionlessness in the administration of justice, complete supervision of officials and a programme of agricultural improvement along with the proper application of the art of government (*daṇḍanīti*), are enjoined upon the king in the branch of internal administration : similarly the canon of expediency (involving the application of force or diplomacy or both as well as of vigilance towards the enemy and an estimate of the three or five factors of the strength of States) is inculcated upon the king in the branch of inter-State relations : righteousness, we are further told, is the purpose of the king's creation, and the king's attitude towards this principle reacts upon the moral as well as the physical stature of his subjects. The theory of government (II 5 ; III 149 ; v 33–4 ; ibid. 38) repeats the older ideas relating to the qualifications of the king and his officials, the selection of the officials, the technique of the king's consultation with his ministers, and lastly, the proper administration of the departments of State finance, army and espionage. Lastly as regards the theory of the Brahmanical immunities and privileges (III 27 ; v 38) the Brāhmaṇa's claim to be honoured by the king and so forth is justified by the Vedic doctrines (above, pp. 32–3) of interdependence of the two powers and

co-ordination of their respective functions as well as that of dependence of the temporal power upon the spiritual : such co-operation, we are further told, is justified in the common interest of the two powers as well as the interest of the community.

THE DISTINCTIVE TENDENCIES AND CHARACTERISTICS OF STATECRAFT

Let us consider in the next place a group of extracts in the minor didactic portions of the *Mahābhārata* inculcating a particular aspect of statecraft by a number of characteristic arguments. A Brāhmaṇa's heart, says a King to a young Brāhmaṇa student (I 3.132), is like butter, though his speech is harsh like a sharp-edged razor ; it is otherwise with a Kshatriya whose words are like butter, but whose heart is hard like a sharp-edged instrument. While a Brāhmaṇa's highest duty, we read elsewhere (I 11.14–15), comprises non-violence, speaking the truth, forbearance, and retaining the Vedas in his memory, the Kshatriya's duty comprises sternness, upholding the sceptre and protecting the people. The point is more fully dealt with by Prince Duryodhana (II 52.10–28) in the course of his address to his father, when maddened with jealousy of his Pāṇḍava cousins, he sought his father's permission to draw them into a dice-play with high stakes. Royal behaviour, he says after the sage Bṛihaspati, is different from the behaviour of the common people, and therefore the king must constantly look after his interest with the greatest care. The Kshatriya's behaviour, he continues, is fixed on victory, no matter whether this is in accordance with righteousness (*dharma*) or its opposite : discontent is the source of prosperity, and he who strives after prosperity is conversant with high policy : the king should strike in all directions like a charioteer driving his horses with his whip, so that he might destroy the prosperity of his enemy : the intrigue, whether open or clandestine, which the king employs against his enemy is his true weapon and not that which cuts. After illustrating the above from divine example (that of the god Indra cutting off the head of a demon by violating a peace-time compact) and after repeating the oft-quoted warning (V 33.49 ; XII 23.15 ; ibid. 57.3) against extreme pacifism, the speaker observes that he who from folly neglects a growing enemy has his vitals cut off by a disease left without treatment, and again that an enemy, however insignificant, if allowed to grow in strength swallows one like white ants at the root of a tree swallowing the tree itself.

In another place (III 297.31–2) Yudhishṭhira answering a riddle observes that fighting with arrow and weapons constitutes the divinity of the Kshatriya, just as Vedic study is the divinity of the Brāhmaṇa. The same speaker in a discourse with Kṛishṇa (V 70–71), after characterising the Kshatriyas' duty as sinful, observes that whether righteous or not it is binding upon themselves, while any other occupation is forbidden to them : while the Śūdra, the Vaiśya and the Brāhmaṇa have their respective means of livelihood, the Kshatriya according to the traditional *dharma* kills another

Kshatriya just as fish live by killing other fish and dogs by killing other dogs. Neither a life as a perpetual student nor existence by begging alms, says Kṛishṇa in reply, is prescribed for a Kshatriya, while according to the eternal duties of Kshatriyas ordained by the Creator, he must either win victory or else die in battle. The Kshatriya bent upon the performance of his distinctive duty, says the spirited Queen Draupadī to Kṛishṇa (v 80.16–17), must kill a Kshatriya or a non-Kshatriya other than a Brāhmaṇa, who is addicted to greed. The Kshatriya who has to live by the strength of his two arms, says the heroic Queen-mother Kuntī in a message to her son (v 130.7–8), was created by Brahmā out of His breast for the occupation of living by his arms, for the performance of cruel acts and for the constant protection of the people.

The most authoritative statement in the present context occurs in some extracts of the celebrated discourse between Kṛishṇa and Arjuna in the *Bhagavadgītā* section (vi 23–40) of the *Mahābhārata*. This discourse, as is well-known, is presented before us in the context of one of the most dramatic incidents immediately preceding the great fight at Kurukshetra. Arjuna, we read, on reaching the field of battle was so overwhelmed with distress at the thought of fighting and killing his revered ones ranged on the enemy's side as to resolve on forsaking war, whereupon Kṛishṇa by his series of discourses turned him from his resolution. We are not here concerned with the profoundly philosophical ideas (such as those relating to the paths of devotion, knowledge and work) or with the metaphysical arguments (such as those relating to the immortality of the individual soul) advanced by Kṛishṇa in this connexion. It is only with Kṛishṇa's development of the doctrine of the Kshatriya's duties in relation to statecraft that we have to deal here. For a Kshatriya, says the speaker in one place (vi 24.31) while urging Arjuna to follow his own duty as his paramount obligation, there is no higher bliss than righteous fighting. Declaring in another connexion the occupation of the four castes to be determined by their nature and station in life, the speaker (iv 40 ; 42–3 ; 45–7) further observes that not retreating from battle is included among the Kshatriya's distinctive duties : by devoting himself to his distinctive duty, man attains perfection : better it is to carry out one's duty imperfectly than to carry out another's duty perfectly, and one does not incur sin by doing the duty ordained by his own nature.

In the above extracts the speakers develop an extreme view of the tendencies and characteristics of statecraft on the basis of their interpretation of the old *Smṛiti* principle of the distinctive duty of the royal order. Emphasis is lent to this teaching by the frequent contrasts between the characteristics of Kshatriyas and those of Brāhmaṇas and the rest. In contrast with the Brāhmaṇa's nature, we are told, the Kshatriya's nature is marked by a combination of cruelty and treachery as well as sternness and vigour : the uniqueness of the Kshatriya's aims distinguishing them from the objectives of ordinary people consists in his policy of self-aggrandisement meaning the attainment of victory in disregard of moral restraints and having its root in

discontent with his existing conditions: the Kshatriya's distinctive policy consists in waging total war against his enemy with the weapons of diplomacy and force and preferably the former: by the inexorable law of his order the Kshatriya is bound to kill his enemies (other than Brāhmaṇas), and to stake everything on the alternatives of victory and death. In the authoritative statement of Kṛishṇa in the *Bhagavadgītā* the above teaching is elevated (with an important explanation) to the rank of a moral principle. For the speaker, while solemnly enjoining upon the Kshatriya righteous fighting in disregard of his life, defends it by interpreting the observance of one's distinctive duty to be his highest obligation.

ATTITUDE TOWARDS MORALITY IN RELATION TO STATECRAFT

The relation of statecraft to morality hinted at in the extract last cited forms the subject of a long discussion in the opening chapters of the *Śānti-parvan* (XII 8–25) to which we have now to turn. Here we read how Yudhishṭhira at the end of the Great War being struck with remorse for causing the slaughter of his respected and loved kinsmen, expressed his resolve again and again to renounce his throne and retire to the forest, while his high-spirited brothers and his equally spirited wife as well as the assembled sages as often sought to break his resolve. Reproving his brother for his unkingly thought Arjuna in the first place (XII 8) explains his view of the Kshatriya's distinctive duty. Making no provision for the morrow, he says, suits the sages, but the duty of the Kshatriya depends upon wealth. Justifying his lesson by authoritative example as well as scriptural sanction the speaker asks, 'Do not the gods prosper without killing their kinsmen, the demons'? After quoting as the conclusion formed by learned men in the Vedas that one could not practise Virtue (*dharma*) if appropriation of another's wealth were forbidden, and after enumerating the Kshatriya's threefold duty (namely Vedic study, acquisition of wealth by every means and performance of sacrifices), the speaker further cites the example of the gods who won their place in heaven through hostilities. 'Such are the ways of the gods and the eternal dictates of the *Vedas*'. Further stating his view that unappropriated wealth does not exist anywhere, the speaker observes that the kings thus conquer this world, and having made this conquest they call this wealth their own after the fashion of sons speaking of the wealth of their father. The royal sages who have attained heaven, we are told at the end, have declared this to be the duty of kings.

When Yudhishṭhira, unconvinced by Arjuna's arguments, repeats (XII 9) his resolve to retire to the forest, Bhīma (XII 10) makes a vigorous speech vindicating the Kshatriya's will to live and prosper. According to the opinion of the learned, we read, everything here, whether movable or immovable, is food for supporting life: according to the wise men versed in the Kshatriya's duty whoever stands in the way of acquiring a kingdom should be slain: renunciation of the world (*saṁnyāsa*), is prescribed for the Kshatriya only in times of distress and when he is borne down by old age, or is overcome

by enemies: hence those who are wise do not praise renunciation in this case, while those with clear insight regard it as a dereliction of duty. The speaker concludes with a withering satire on a life of renunciation accompanied by a stirring call to action. The address of Bhīma is followed (XII 11–13) by the speeches of Arjuna Nakula and Sahadeva in further condemnation of a life of renunciation. When it is Draupadī's turn (XII 14) to address Yudhishṭhira, she reminds him of the Kshatriya's duty in contrast with the duties of the Brāhmaṇa. Friendship towards all creatures, charity, Vedic study and austerities, she says, are the duties of Brāhmaṇas and not of kings: restraining the wicked, cherishing the good and not retreating in battle constitute the high duties of kings. When in spite of fresh addresses by Bhīma and Arjuna, Yudhishṭhira still remains obdurate in his resolve, the sage Devasthāna addresses him in a long speech (XII 20–21) containing *inter alia* high praise of the duties of Kshatriyas. This is followed by a fresh speech of Arjuna (XII 22) on the distinctive duty of the Kshatriya. For Kshatriyas, we read, death in battle is regarded as more meritorious than the performance of numerous sacrifices: while austerities and renunciation are held to be the duties of Brāhmaṇas, seeking death in battle is prescribed for Kshatriyas: the king's duty is held to be very fierce, as it involves constant use of weapons and the slaughter (of enemies) with weapons in battle at the proper time. The speaker, after praising even the Brāhmaṇa who lives by the Kshatriya's duties, further declares that neither renunciation nor mendicancy nor austerities nor living in dependence upon another is prescribed for a Kshatriya, and he asks his brother to give up grief and address himself to action, for a Kshatriya's heart especially is hard like a thunderbolt. Lastly, quoting divine example, the speaker points out how Indra who was Brahmā's son became a Kshatriya by his acts, and by killing his sinful kinsmen won high praise as well as lordship over the gods.

The above extracts are of high significance as indicating in a singularly dramatic setting two diametrically opposite views of the relation of statecraft to morality. Yudhishṭhira's determination to renounce the world to atone for the slaughter of the Great War, (a determination which is not shaken by the repeated arguments of his associates to the contrary), involves the principle of unqualified condemnation of statecraft at the bar of morality. By contrast these other arguments involve an equally unqualified defence of statecraft regardless of morality, which is based primarily, though not exclusively, upon the inexorable law of the Kshatriya's order. The Kshatriya's distinctive duty (*svadharma*), we are told, in contrast with that of the sages, consists in acquiring wealth even by robbery and violence. This is justified positively by authoritative example as well as universal experience, by the individual's right of self-preservation and by the Kshatriya's need for territorial conquest. It is negatively justified by the Kshatriya's ineligibility to a career of renunciation in normal circumstances. In contrast with the distinctive duty of the Brāhmaṇa, we are further told, that of the Kshatriya consists in ruling and in fighting without regard for and even at

the cost of his life. Summing up the above we may state that while Yudhishṭhira's attitude involves the principle of complete subordination of Politics to Ethics, that of the other speakers represents the opposite principle of the more or less pronounced divorce of the one from the other.

THEORY OF COERCIVE AUTHORITY OF THE STATE

It remains to notice some references in the opening chapters of the *Śāntiparvan* (XII 8f.) quoted above to an old *Arthaśāstra-Smṛiti* principle, namely, that of the king's coercive authority (*daṇḍa*). When a Kshatriya does not inflict *daṇḍa*, says Draupadī (XII 14.14) in the course of her address, he fails to enjoy prosperity, while his subjects do not enjoy happiness. Wielding the rod of *daṇḍa*, says the sage Vyāsa in the course of his speech (XII 23-4), is the foremost of the acts ensuring both this and the next world for kings: this is supported by the oft-quoted text (II 50.21; V 35.149; XII 57.3) conveying a solemn warning to the king against the danger of extreme pacifism, as well as the story of a king who attained the highest success by punishing a Brāhmaṇa convicted out of his own mouth for theft: *daṇḍa*, and not the life of a mendicant (lit., shaving of the head), the speaker concludes, is the duty of the Kshatriya.

The most complete discussion of the principle of *daṇḍa* occurs in one of Arjuna's discourses (XII 15) to his brother. *Daṇḍa* alone, he says in the words of Manu (VII 18), rules all, *daṇḍa* alone protects them, *daṇḍa* is awake while the others are asleep, the wise declare *daṇḍa* to be identical with the law (*dharma*). *Daṇḍa*, it is further observed, upholds the three ends of life (Virtue, Wealth and Desire) and is identical with them, it preserves the possessions of men (lit., their cash and crops), it disciplines the undisciplined and it punishes the wicked: the ordinances styled *daṇḍa* were established in this world for preventing mortals from falling into confusion and for preservation of their property: *daṇḍa* was prescribed by the Creator for saving the four castes from confusion, and for leading them to goodness, to the end of seeking Virtue and Wealth. The above is accompanied by a description of the tremendous significance of the application (or otherwise) of *daṇḍa*. If *daṇḍa* did not afford protection, we are told, the people would sink in dense darkness, but when *daṇḍa* moves about, the people do not fall into confusion provided that he who directs it discerns well: if *daṇḍa* did not exist in this world, these people would suffer destruction and the strong would roast the weak like fish on a spit: if *daṇḍa* did not afford protection, no student would study the *Veda*, no cow could be milked, and no maiden could be given in marriage: in such an event destruction of the world would ensue, all barriers would be broken down, and the sense 'this is mine' would be lost: in such an event no year-long sacrifices accompanied with prescribed fees would be performed, no one would perform the duty of his order (*āśrama*) according to rule, and no one would be able to acquire knowledge: in such an event no draught animals would draw carts even if yoked thereto, no servant would obey the order of his master, and no son would

abide by the instructions of his father : in such an event, we are further told after Manu (VII 21) quoted elsewhere, the dog would lick the sacrificial viands and the crow would eat the sacrificial cakes : on the other hand when *daṇḍa* destroying enemies and being well directed moves about, there arises no treachery or sin or deception. All creatures, the speaker sums up, depend upon *daṇḍa* and the heavens as well as the earth do the same.

At the root of the above conception of the elemental function of *daṇḍa* lies principally in the speaker's thought a number of familiar arguments. Thus in the first place we are told that some sinful men are prevented from committing sin by fear of *daṇḍa* (of the temporal ruler), some again by fear of *daṇḍa* of the king of death as well as that of the world, and others again by fear of one another, and thus everything in this world consisting of creatures with animal-like instincts (S.K.B.) rests upon *daṇḍa*. It is through fear of *daṇḍa* alone, the speaker continues, that the people do not devour one another, and that the four orders follow their respective duties : no one who is exempt from fear performs sacrifices or makes gifts or adheres to his engagement : the very fires which smoulder without blowing burst into a flame when frightened with *daṇḍa* (in the shape of being blown) : even those who have broken off all restraints, who are atheists and scoffers of the *Vedas*, yield themselves for performance of their duties when they are chastised by means of *daṇḍa* : if these were not inspired by the fear of *daṇḍa*, ravens and beasts of prey would eat up other creatures as well as the sacrificial offerings. Tracing the above to its roots in human nature, the speaker says with Manu (VII 32) that the whole world is brought under control by *daṇḍa* ; for good men are rare and it is through fear of *daṇḍa* that one is forced to yield himself for fulfilment of his obligation.

Turning to the second line of argument we are told in the words of the sage Kaṇiṅka Bhāradvāja cited above that without piercing the vitals of others, without committing cruel acts, without killing creatures after the fashion of fishermen who use insects as baits, no one can win high fortune, and that without slaying others no one can win glory or riches or subjects. Quoting both sacred and profane examples, the speaker observes that those gods alone who are slayers are very much honoured by the people, and stating his experience that no creature lives without violence, he shows by a number of examples how beings live upon beings and the strong live upon the weak. This whole world consisting of movable and immovable objects, he sums up, is food for living beings, and this has been ordained by the gods : ascetics cannot support their lives, and the numerous beings in water, earth and fruits are certainly killed by others, since there is nothing higher than supporting life : men perform sacrifices and attain heaven by digging the earth, uprooting herbs and trees and destroying birds and animals.

We may notice in conclusion some minor arguments advanced by the speaker in justification of *daṇḍa*. Thus in the first place the speaker, after praising those who practise virtue (*dharma*) in high comfort, observes that all acts of men depend beyond doubt upon wealth which in its turn depends

upon *daṇḍa*: it is better to understand the *dharma* of 'slight violence' (*ahiṁsā*) in the sense of legitimate violence (*sādhuhiṁsā*), for the law (*dharma*) has been laid down for guiding the course of worldly affairs (S.K.B.). Nothing, continues the speaker, is wholly good and nothing is wholly evil, but on the other hand both good and evil are mixed up in all acts. This view is illustrated by the example of domestic animals which, after castration and piercing through the nose, are used for the purpose of cultivation and for bearing heavy burdens, and are tethered and tamed. Arguing in the last place that killing enemies is no sin, the speaker quotes the *Smṛiti* doctrine of the immunity of the slayer of a desperado (*ātatāyī*) from the sin of Brāhmaṇa-murder, as well as the *Upanishad* doctrine of the immortality of the soul in contrast with the perishable body.

In the above passages the speakers repeat and develop some aspects of the *Arthaśāstra-Smṛiti* theory of *daṇḍa* explained above (pp. 86f., 118f., 167f.). *Daṇḍa*, we are told in the shorter passages, is necessary in the interest of the king as well as of his subjects, while it is enjoined upon the king by the law of his order. *Daṇḍa*, we read in the longer and more important extract, is the supreme political principle as well as the synonym for the principle of law. This is explained (as by Manu and Bhīshma) with reference to its function in relation to the individual and the community. It is, we are told, the grand safeguard for the security of person and property of the individual, the guarantee of fulfilment of individual obligations and as such the means of attainment of the complete life of man : it is also the security for the social order (with its rules regarding intermarriage between the castes) and for the normal functioning of man's social, economic and religious activities. The high role of *daṇḍa* mentioned above is mainly justified by two principles likewise applied by Bhīshma in the same context. These are, firstly, that fear of *danda* because of the wickedness of men in general is the only preventive against sin and incentive towards the fulfilment of individual obligations, and secondly, that violence is the necessary condition of worldly success and indeed of the bare existence of man. The former principle involves the application of human psychology, and the latter that of the law of life, to Politics. To the above are added some minor but original arguments founded upon the materialistic conception of wealth as the basis of human endeavour, the political conception of *daṇḍa* as the foundation of wealth, the elastic moral conception of the mixture of good and evil in all human acts and the canonical conception of killing in the stated circumstances as no murder.

CHAPTER XIV

THE WORKS OF BUDDHIST LITERATURE—II THE SANSKRIT CANONICAL AND NON-CANONICAL WORKS AND THE WORKS OF THE LATE PALI NON-CANONICAL LITERATURE

THEORIES OF COSMIC EVOLUTION AND THE EVOLUTION OF MAN AND HIS INSTITUTIONS

THE remarkable account of the evolution of the world and of man which we have traced back elsewhere to an extract of the Pali canon, the so-called 'Book of Genesis' (*Dīgha Nikāya* III 84–95), is reproduced briefly in the late canonical works written in Sanskrit or in mixed Sanskrit. Let us begin with the work called *Mahāvastu* which claims to belong to the *Vinaya* section of the canon of the Lokottaravādins, a branch of the Mahāsaṅghikas, the earliest reputed schismatics from the original faith. In the present cycle of the cosmic evolution, the author observes (I 338-48) in the course of his description of the advent of the Buddha, when the world after its dissolution began to evolve again, the beings that were born retained their heavenly condition, being self-luminous, capable of traversing the air and made of mind, nourishing on joys and enjoying perfect happiness: as the beings under the influence of greed tasted successively the essence of the earth and its products, they were gradually transformed into humans with the physical characteristics and passions of the latter. Describing the origin of property, the author next tells us how the beings gathered and took counsel together, and after recalling the whole story of their progressive degeneration, they decided to divide and demarcate their respective rice-fields. Following this up with the story of the institution of kingship, the author says how the three evils of theft, falsehood and violence made their appearance: then the beings assembled and took counsel together for the second time: they agreed to select the most gracious and authoritative person amongst themselves who would reprove those deserving reproof and approve those deserving approval and to whom in return they would assign a portion of the rice from their respective rice-fields: then they found out such a being and made an agreement with him on the above terms: so originated the idea of *Mahāsammata* ('he who is selected by the great multitude'), *rājā* ('he who deserves a share of the rice from the rice-fields'), *mūrdhnābhishikto kshatriyaḥ* ('the consecrated Kshatriya') who is a perfect guardian and protector: so originated the idea that he who achieves security for his country is a parent to towns and provinces.

A more complete account of cosmic and human evolution carrying the story down to the rise of social divisions is repeated in the *Vinaya* section

of the Mūlasarvāstivādin school of Buddhism. The whole of this section has been preserved in its Tibetan version (the *Dulva* section of the *Bkah-gyur*), while a considerable portion of its Sanskrit original has recently been discovered at Gilgit in Kashmir and has been made available to us by the labours of an Indian scholar, Dr Nalinaksha Dutt. In this account the story occurs in two versions, a shorter and a longer one, of which the former (*Dulva* III) was addressed to the Śākyas by Maudgalyāyana at the Buddha's request, while the latter (ibid. v) was addressed by the Master himself to his disciples. The longer extract begins, as in the traditional story, with an original State of Nature when the beings were born on earth with ethereal bodies and god-like qualities. After the beings had been transformed into humans in the way described above, there came the institution of property. The beings, says the author, then gathered together in sorrow and lamentation, and after recalling the story of their gradual physical and moral downfall, they decided to demarcate the bounds of one another's fields. Describing thereafter the institution of kingship, the author tells us how one man in their midst stole another's rice three times in succession in spite of repeated warnings by the others, and how thereupon they made an agreement with the largest, the handsomest and the strongest individual amongst themselves whom they made the 'lord of their fields' : he was to punish those deserving punishment and recompense those deserving recompense, and he would get in return a portion of the produce of their fields and of the fruits they gathered : he was called *Mahāsammata* as he received the homage of the many, *Kshatriya* (protector of the fields) as he was lord over the fields and kept them from harm, and *rājā* (king) as he was a righteous man and wise and brought happiness to mankind. The author concludes with a brief reference to the origin of social divisions. The beings, we read, who lived away from the villages were called Brāhmaṇas (detached minds), those who were not given to contemplation but devoted to study were called *pāṭhakas* (readers), and those who lived away from the forest and in villages were called villagers, while others who were engaged in handicrafts and other domestic occupations were called Vaiśyas : after the origin of these three castes there arose a fourth one, namely, *śramaṇas* consisting of Kshatriyas, Brāhmaṇas and Vaiśyas who left their homes for a homeless State and completely retired from the world.[1]

We have a shorter version of the ancient theory of cosmic and human evolution down to the origin of kingship in an extract of *Lokaprajñapti* ('The exposition of the world'). This work forms one of the two divisions of the *Prajñaptiśāstra*, a section of the *Abhidharma* branch of the Sarvāstivāda canon attributed to Maudgalyāyana. In the account which has been preserved in its Tibetan version[2] the author begins with the traditional State of Nature when the beings were born in this world with their ethereal bodies and attributes. After they had been transformed into humans by eating the essence of the earth, kingship was instituted by them in a distinctive way. A certain being stole the rice of the others while guarding his own, whereupon he was

admonished and warned by the rest : when nevertheless he did the same act for the second and the third time, the others brought him under arrest before a crowd and charged him with theft, whereupon the crowd let him off with a warning : then this being brought a counter-charge of arrest against the others, when the crowd let them off in their turn with a warning : then the creatures who had seized the thief decided to delegate the handsomest and the most capable individual among themselves as *kshetrapati* ('lord of the fields'), and he was therefore called *Mahāsammata* ('the Great Elect') : as he was master of the fields and protected them from damage, he was called Kshatriya, and as he gratified the crowd by the practice of *dharma*, morality and wisdom, he was called *rājā* (king).

The account of cosmic and human evolution given above is repeated down to the point of the origin of kingship in another extract of the last-named work.[3] This purports to be a quotation from Buddha's discourse to Vaśishṭha on the origin of the Kshatriya stock in the work called *Vaśishṭha-Bhāradvāja-Vyākaraṇa*. It is interesting to observe that the author here, while describing the origin of Mahāsammata and the Kshatriya order, says in the words of the Pali canonists that this was in accordance with *dharma* and not contrary to *dharma*.

The above extracts repeat, although imperfectly, the ideas of the early Buddhist canonists about the origin of social and political institutions. We start, as before, with an original State of Nature with god-like beings living in a condition of perfect innocence and happiness. With their progressive downfall from this pristine state of purity, they were reduced to human stature. What is more, they were forced to create the institution of property (with its implied social organisation) and of the State by the processes of Social Contract and Governmental Compact respectively. The completion of the social organisation (involving the division of the community into different castes and orders) was the result, according to the most complete version, of a process of division of labour directed by the omnipotent standard or norm (*dharma*) of those classes.

RELATION OF POLITICS TO ETHICS

We have seen in a former chapter how the Pali canonical texts refer to Politics (here called *khattavijjā* or 'the Kshatriya science') in such terms as to make it synonymous with a creed of unbridled selfishness and ruthless cruelty in the execution of its aims. The above view is repeated in the Buddhist canonical and non-canonical works falling within the scope of the present chapter. Politics (*daṇḍanīti*), says a text of the lost *Jñānavaipulya Sūtra*,[4] belongs to a list of sciences (*śāstras*) that are unfruitful and are opposed to salvation, and that ought to be eschewed by the person who is established in 'the Bodhisattva's Vehicle'. According to a text of the *Saddharma-Puṇḍarīka* (p. 180, Bib. Ind. ed), the Bodhisattvas should be discreet in their spheres of movement in the sense that they must not serve or attend upon or join the presence of kings, princes (*rājaputras*), and the

king's high and low officials (*rāja-mahāmātras* and *rāja-purushas*). It is evident that these extracts explicitly or implicitly involve the principle of antagonism between Politics and Ethics. A concrete application of this principle is made by the poet Aśvaghosha in his epic poem called the *Buddhacharita* while describing an incident of the early life of his hero. When Prince Siddhārtha's mind, we read (*Buddhacharita*, IV 62 f.), was turned from thoughts of worldly enjoyment by witnessing the sights of old age, disease and death, the son of the royal chaplain who was versed in Politics (*Nītiśāstra*) sought, though in vain, to tempt him to dalliance with women. From the above it follows that luring princes to sensual indulgence was held to be in consonance with the principles of Politics. With this we may compare the view of an old *Arthaśāstra* authority (Vātavyādhi quoted by Kauṭilya, I 17), who recommended deliberate tempting of princes to sensual indulgence in the interest of the king's security. Another incident in the Prince's career (op. cit. IX 12–49) brings into clear relief the poet's view of the relation between Politics and Ethics. When the Prince, we are told, renounced the world and retired to a forest hermitage, the royal chaplain at the king's bidding went out to meet him in a supreme effort to make him change his resolution. Rejecting the chaplain's appeal to go back to his father, the Prince in the first instance describes the disadvantages of royalty. It is, he says, the abode of delusion, it involves the intoxication of power as well as toil and obstruction of righteousness by causing the oppression of others. He then points out the gulf separating the *dharma* of salvation with its emphasis upon quietude (*śama*) and the *dharma* of kings with its emphasis upon punishment (*daṇḍa*), and he ends by indicating their essential incompatibility in the following emphatic words. 'If a king delights in quietude, his kingdom collapses; if his mind turns towards his kingdom, quietude is ruined; for quietude and security are incompatible like the union of water which is cold with fire which is hot'. The above passage, while repeating the principle of antagonism between Politics and Ethics, justifies this by reference to the contradiction between their essential principles. These are security based on punishment in the one case and quietude in the other.

AUTHORITY OF THE TEMPORAL RULER

The Pali canonical works are wanting, as we have seen, in a true theory of the king's authority. The omission is made good in an extract (Chap. XII 5–12) of a late Buddhist canonical work of the Mahāyāna school called the *Suvarṇaprabhāsa-sūtra* ('The Sūtra of the Splendour of Gold'). Here a king is said to have instructed his newly consecrated son in the royal science (*rāja-śāstra*) after a discourse delivered by Brahmā, king of the gods (hence the title of the chapter, *Devendra-samaya*, 'the teaching of the king of the gods') to the Regents of the Quarters in heaven. The chapter opens with a question strongly reminiscent of the one put to Bhīshma by Yudhishṭhira (*Mahābhārata*, XII 59) about the enigma of the human king enjoying the highest social status and the supreme political authority. Why is it, the gods ask

Brahmā, that the king who is born of man (*manushya-sambhūta*) is styled a god and a *devaputra*, and how does the king who is born in the world of men assume the character of a god and rule over men ? The king, says the God in reply, being first established by the gods, enters his mother's womb : what though the king is born and dies in the world of men, he is sprung from the gods and is styled *devaputra :* the thirty-three gods gave their portions to the king, and he is thus equipped for sonship of all the gods. The above extract is evidently a Buddhist adaptation of Manu's well-known doctrine of Divine creation of the temporal ruler out of the essences of the Regents of the Quarters, for the purpose of justifying the king's authority. The title *devaputra* (the designation of a group of four Archangels in the Buddhist pantheon) assigned to the king, and the reference to his creation out of the particles of the thirty-three gods (a well-known Buddhist category of divinities), evidently mark the author's attempt to acclimatize the Brahmanical theory in its new environment.

PRINCIPLE OF POLITICAL RIGHTEOUSNESS

The Sanskrit or mixed Sanskrit canonical works of this period repeat an important principle of the older canonists, namely, that of political righteousness. A story in the *Mahāvastu* (ibid. I 274–82), of which the Pali version has been analysed by us above (p. 70), tells us how a king is instructed about the duties of his office successively by three wise birds whom he has adopted as his children. Addressing the king the first speaker advises him to rule his kingdom with righteousness. He should, it is explained, give largess, he should show all that righteousness brings its own reward, he should protect those who live justly 'for the wheel of power turns in dependence on the wheel of justice'[5] : the king's administration of justice should be undertaken with impartiality and in accordance with the rules of procedure : when a dispute arises between two parties he should pay equal attention to each, and after hearing the arguments on each side he should give the right decision, and he should not act out of partiality, hatred, fear or folly : the king is not to foster hostility towards neighbouring kings, but he is to cultivate friendship with them : whoever hates his foes will be repaid with hatred by them, but the kings who are steadfast in friendship are honoured by others. The address of the second speaker, while going more deeply into the principles of government on the *Arthaśāstra* model, refers in one place to the principle of righteousness. When the king rules unrighteously, we are told, his realm becomes weakened and rent on all sides, but when he rules righteously, it becomes strong, prosperous, flourishing and populous. The third speaker who analyses most deeply the technique of government ends with the strongest plea for the king's observance of righteousness. The king, we read, should do the right not only by his parents, wife and friend, but also by his minister, the recluses (*śramaṇas*) and the Brāhmaṇas as well as citizens and countryfolk, nay more, in this world and beyond : the king who has walked in righteousness in this world goes to heaven.

The above extracts repeat the two basic ideas of political righteousness that we have traced back to the Pali canonical and non-canonical texts referred to above. Righteousness, we are told in the first place, is a king's best policy in the sense that its observance leads to the strength and prosperity of the State, while its neglect gives rise to the weakness and dissolution of the same. Secondly, we read that the rule of righteousness imposes upon the king a few characteristic principles and policies of government. These comprise protection of the good, impartial justice, friendliness towards neighbouring kings as well as temporal and spiritual benefit to all classes of his subjects.

Some further light is thrown upon our authors' ideas of political righteousness in the sequel (XII 13–73) of the story quoted on p. 261 from the *Suvarṇaprabhāsa-sūtra*. The king, we read, prevents the performance of wrongdoing by the people for the purpose of removing unrighteousness : he should establish the creatures in good deeds so that they might qualify themselves for heaven : he is, as it were, the mother and the father of those who perform good deeds : he is installed by the gods so that they might perceive the mature fruits of the good and the evil deeds of other people. The king, we are further told, has been installed by the gods on this earth so that the kingdom (*rāshṭra*) might not be destroyed by the practice of wickedness : the king induces good deeds for the prevention of wrongdoing : the king has been ordained by the gods for his own sake and that of the others, for the growth of righteousness and for the suppression of wicked people in the kingdom : the king should sacrifice his life and his kingdom for the fulfilment of righteousness in his realm, and he should not knowingly neglect to punish unrighteousness : the king should rule his kingdom in accordance with righteousness and never practise unrighteousness, and he should refrain from taking sides even at the cost of his life : he should be impartial towards his own and other people and towards all people in his kingdom, and he should never take sides : the king, the speaker concludes, should sacrifice his own life, but he must not give up the treasure of righteousness which brings happiness to creatures. In the event of the king's unrighteous rule, we are further told, unrighteousness increases greatly and the kingdom is afflicted very much with wickedness and strife, while the gods in heaven are wrathful and the kingdom falls a prey to the enemy's forces : in the event of the king's neglect of that for which his kingship exists the winds do not blow regularly, the rains do not fall in season, the stars and the planets, the sun and the moon do not move regularly, the crops, flowers, fruits and seeds do not grow well, and famine visits the land : in such an event the gods in heaven predict swift destruction of the kingdom through divine wrath, while wickedness, strife and disease overtake the land : the king himself in consequence suffers bereavement in his family and his group of officials as well as in his stud of elephants, horses and camels : in such an event meteors fall from the sky and the rival sun appears therein, while fear of the enemy's troops as well as famine increases greatly : when unrighteous persons are honoured and

righteous persons are punished, the three things (namely, the stars, the rains and the winds) go astray, the three visitations (namely, famine, missiles and pestilence) overtake the land, the beings are very much afflicted with disease, the large and the sweet fruits become bitter to the taste, the beings lose their colour and strength and taste for food, and they are afflicted with various diseases. These and many other evils, the speaker sums up, follow when the king fails to punish wrongdoing through partiality, and he neglects to do that for which he has been installed by the gods : when the king neglects to punish wrongdoing in his kingdom, he is found guilty at the bar of his heavenly parents, and he thereby ceases to be their son, while he fails to do duty by his kingdom : there is no such terrific cause of the destruction of the kingdom as when the king fails to punish wrongdoers : when wicked men are not punished, wickedness breaks out in the kingdom in a virulent form, and the kingdom is destroyed 'as a great lake is destroyed by the elephants', while the gods become wrathful : when, on the other hand, the king is righteous, his fame fills the three worlds, the gods in their heavenly home express their gratification at the righteousness of their son, and being gratified afford him protection, the stars, the sun and the moon function well, the winds blow and the gods pour rain in the proper season, and plenty arises in the kingdom : when the king punishes wicked men according to their deserts, there arises plenty in the kingdom, and the king becomes strong and famous.

In the above long extract the author, interpreting the old canonical conception of political righteousness in terms of the Brahmanical dogma of the king's Divine creation, lays down the principle that the king is the divinely ordained instrument for the fulfilment of righteousness. This is made to supplement the old familiar principle that righteousness is the essence of kingship and is in fact the king's foremost obligation. In the second place the author explains after the older pattern the profound repercussion of the king's attitude towards righteousness upon his own fortunes and those of his subjects. The king's violation of righteousness, we read, plunges his people in wickedness and strife, it disturbs the atmospheric, the climatic and the agricultural processes shaping man's physical existence : nay more, it disturbs the movements of heavenly bodies and produces inauspicious portents : it visits the people with human and providential calamities, and last but not the least, it provokes the gods to disown the king. The cumulative result of these misfortunes is that both the king and his kingdom are engulfed in a common ruin. Conversely, the king's observance of righteousness is attended with all the reverse consequences. In the third place the author observes that the rule of righteousness imposes upon the king the obligation of promoting virtue and preventing sin among his subjects, of observing strict impartiality towards them, and lastly and above all, of the punishment of wrongdoers.

We may notice in the present place an extract of the late Pali non-canonical work called the *Milinda-pañha* ('The Questions of King Menander') which

consists of a series of discourses purporting to have been delivered by the learned monk Nāgasena to King Milinda on various points of Buddhist doctrine and discipline. In the extract referred to (IV 5. 27) the king puts to the sage a double-edged problem (*ubhatokoṭiko*). The king asks how the Buddha could claim to be both a Brāhmaṇa and a king. The sage's answer involves his definition of the characteristics of kings. The king, we read, is one who rules and guides the world : predominating over all other men, making his relatives rejoice and his enemies mourn, he raises aloft the sun-shade of sovereignty : he is held worthy of respect by multitudes of persons who approach him and come into his presence : when pleased with a strenuous servant, he gladdens his heart by bestowing gifts : he censures, fines and executes the man who transgresses his commands : proclaiming the right and the wrong principles according to instructions laid down in succession by righteous kings of old, and ruling in righteousness (*dharma*), he becomes dear to his people and by the force of his righteousness establishes his dynasty long in the land. In the above extract the author mentions two characteristic attributes of kings, namely, their supreme political authority (involving the authority to reward and to punish and to command universal respect) and their righteous rule, this last being justified in the interest of the king's own security and the stability of his dynasty.

PRINCIPLES AND POLICIES OF GOVERNMENT

Along with the references to the principle of righteousness quoted above, our authors introduce us after the precedent of the old Pali canonists to a number of principles and policies of government derived more or less from the old *Arthaśāstra* tradition. We begin with the story of the discourses of the three wise birds to a king in the extract (I 274–82) of the *Mahāvastu* to which reference has been made above. The king's interest or wisdom, says the first speaker in the course of his address, does or does not thrive according as he overcomes or becomes subject to wrath : a king who is drunk with sensual pleasure is overcome by his enemy : a king who is fond of gambling with his wealth and loves the wives of others becomes hateful to his subjects and loses his life, but he who is the reverse becomes dear to them and enjoys a long life. Kings who reveal counsel, we are further told, come to great harm, while those who keep their counsel secret do not fall into the power of their enemies. The second speaker, introducing her address with a quotation of the twofold objective of royal policy (namely, the acquisition of what has not been gained, and the preservation of what has been acquired), observes that the king should reprove those deserving reproof and commend those deserving commendation, and should apportion blame and approval (as deserved) : he should banish the wily man who has much wealth at his disposal, the rich and the plausible demagogue, and the crafty man however slender might be his means. When the ministers are imperfect in wisdom, the troubles of the kingdoms are increased, but the kingdoms grow in prosperity when the ministers are intelligent and wise : the king, again, is

to keep a firm grip on all his officers, both military and civil : lastly, the king should employ espionage on the widest scale, for the king's eye is not as good as that of his spy, and the king's policy is not so good as espionage. The address of the third and the wisest speaker like its Pali counterpart begins with reference to a remarkable category of the five constituent elements of a king's strength (*bala*). These comprise the strength of the king's own self, his sons, his relatives and friends, his army, and lastly his wisdom[6]. While all these powers, we are told, are necessary for the prosperity of the kingdom, the last is the most powerful of them all. Illustrating this dictum, the speaker observes that when the king employs a man who is deficient in wisdom even though of high birth, his realm is destroyed by rival kings, and his subjects, becoming disaffected, seek another lord.

In the above extracts the address of the first speaker deals on the familiar *Arthaśāstra-Smṛiti* lines with the moral qualifications of the temporal ruler (involving his freedom from passion) as well as the technique of his consultation with his ministers. The second speaker refers similarly to the qualifications of the king's ministers (comprising those of wisdom and intelligence) as well as the principles of the king's government (including strictness in punishing criminals, firm supervision of officials and wide application of espionage). The address of the third speaker introduces us to a category of five powers of the king bearing remarkable resemblances and contrasts with its counterpart in the Pali *Jātaka* story quoted above in Chapter IV. Common to both the lists are the elements of the king's army and his wisdom, while the element of the king's own self in the Sanskrit version broadly corresponds to that of high birth in the Pali text. On the other hand the Sanskrit text substitutes the elements of the king's sons, relatives and friends for those of finance and officialdom in the corresponding Pali passage. This means that the State administration of the later author is of the simple patriarchal type in contrast with that of the organised bureaucracy contemplated by the earlier one. Finally, we have to observe that the later author agreeing with his predecessor places the strength of wisdom at the head of all the powers. This statement, which means that the strongest State is the one ruled with the highest wisdom, brings the author's thought into line with the advanced idea of Kauṭilya on the subject.

We may next turn to the poet Aśvaghosha's ideas of government. Describing the glories of Śuddhodana's reign after the birth of his famous son, the author says (*Buddhacharita*, II 1–16) that since that event the king daily waxed mightier in riches, elephants, horses and allies, his enemies being turned into neutrals and neutrals into allies, and his allies being firmly attached to him : at that time rains fell in the proper season and at the proper place, and the crops grew without the labour of tilling : there was no begging and no turning away those deserving alms, no one was disrespectful to his elders or lacking in generosity, husband and wife did not transgress against each other, and the people enjoyed the joy of deliverance from famine, fear and disease. More important than the above is the ensuing

detailed account (II 33–45) of Śuddhodana's government after he had the satisfaction of establishing his son in the enjoyment of family life. The king, we read, practised self-restraint: wishing well of all his subjects, he studied not the sciences causing suffering to others but the knowledge that was beneficent: he did not show partiality or find fault according as he liked or disliked his petitioners, and he observed purity of justice: he gave gifts to suppliants while he quelled his foes with good conduct and not by fighting: while not executing criminals deserving death, he kept them under mild restraint as their release would have been bad policy: he did not wish to collect revenue that was not his due, he had no desire for the goods of others, he did not wish to expose the wickedness of his enemies, nor did he wish to harbour wrath in his heart: as the king behaved in this way, his servants and subjects followed his example. Putting his ideas in the form of a riddle the poet further observes that the king disciplined the one (his self), he preserved the set of seven (the seven limbs of the kingdom) and abjured another set of seven (the seven royal vices), he observed the set of five (the five expedients), he attained the set of three (the three ends of life), and he understood the set of three (the three powers, or else, the three conditions of equilibrium, decline and progress), he knew the set of two and he gave up the set of two (Desire and Anger).[7] A similar description of King Śuddhodana's rule is given in *Saundarānanda* (II 1–45). Some further light is thrown upon Aśvaghosha's ideas of government in scattered extracts in his works. In *Saundarānanda* (XV 61) reference is made to the king's application of the five expedients, namely, conciliation (*sāma*), bribery (*dāna*), creating dissensions (*bheda*), force (*daṇḍa*) and restraint (*niyama*) against his enemies. The simile of a king planning to conquer unconquered lands by concluding treaties (*sandhi*) with powerful and high-born allies occurs in *Saundarānanda* (XVII 56). We have another simile (ibid. XVII 10) of a weak king who on being expelled by a powerful enemy seeks the protection of one who is strong in troops and is a refuge of the afflicted.

The above extracts involve the application of some familiar *Arthaśāstra-Smṛiti* principles and policies of government. These relate to a king's qualification of self-restraint and his cultivation of various virtues (doing good to others, charity and impartiality, lenity towards criminals, equity in taxation, and friendliness towards his enemies) resulting in his possession of ample resources and influence abroad as well as virtuous, prosperous and happy subjects. More particularly they involve the application of five political expedients along with a conqueror's policy of alliance with a strong and high-born king and a dispossessed king's policy of seeking refuge with a good and powerful ally.

CONCEPTION OF THE WORLD-RULER (*CHAKRAVARTTĪ*)

The remarkable conception of the World-ruler (*Chakravarttī*), the temporal counterpart of the spiritual World-Teacher (Buddha), which we have traced back in a previous chapter to a few Pali canonical texts, is repeated in the

Sanskrit works of this period belonging to the later *Hīnayāna* as well as the *Mahāyāna* schools. The *Avalokanasūtra*[8] refers to a righteous king, monarch and lord of the four continents who would rule the whole earth girdled by the seas and mountains, a World-ruler possessed of the seven jewels, who being established in his sovereignty honours the Buddha again and again. We have a fuller reference in two works of this period called by the same title, the *Lalitavistara*. The first of these works belongs to the canon of the *Sarvāstivāda* school, while the second which has been preserved for us in its Tibetan version is included in the canon of the school of the Mūlasarvāstivādins. For a person possessing the thirty-two signs of a Great Man, we are told in both these versions, only two careers are open, namely, those of the *Chakravarttī*, the king, the victorious chief of the fourfold army, devoted to the Law (*dharmika*), king of the Law (*dharmarāja*), possessor of the seven treasures (*ratna*), or else the Buddha who without having any other as his guide will become the teacher of gods and men. How the *Chakravarttī* achieves and secures his world-conquest is told below. When the divine wheel, the first and the foremost of his seven treasures, appears before the consecrated Kshatriya king in the Eastern horizon, he invokes it to roll on according to the law and not contrary to the same. As the divine wheel moves in the Eastern quarter, the consecrated king follows it with his fourfold army whereupon all the kings of that quarter surrender their kingdoms to him with joy and enthusiasm. The consecrated Kshatriya king thereupon addresses them a solemn admonition to rule in accordance with the law and not contrary to the law. Slay not, he says, any living thing, take not what is not given, give not way to evil desires, speak not untruth, lest any unrighteousness arises in thy domain, tolerate not the unrighteous. Thus the consecrated Kshatriya becomes conqueror of the Eastern quarter. In the same fashion with the wheel showing him the way he becomes successively the conqueror of the Western, the Southern, and the Northern quarters. After these conquests he returns in triumph to his capital.[9] The above extract involves, as in the parallel passages of the Pali canon quoted elsewhere (Chap. IV), the interpretation of the Brahmanical conception of a universal ruler and the mystic conception of his possessions in terms of Buddhist ethics. The supremacy of the universal ruler, we are told, is founded upon righteousness. Again, the Divine wheel, the palladium of the universal ruler, is itself associated with the principle of righteousness, so that while his conquest of the quarters is achieved without violence, his supremacy over his vassals is founded upon the latters' agreement to observe righteousness, and in particular to abide in general by the five principles binding on a Buddhist layman.

CHAPTER FOURTEEN
NOTES

[1] The above is based upon the summary in Rockhill, *Life of the Buddha*, pp. 1–8. The edition of the *Vinaya* section of the Mūlasarvāstivāda school in its original Sanskrit version which has been published by Dr Nalinaksha Dutt (*Gilgit Manuscripts*, vol. III, parts 1–4, Calcutta) is wanting in this story.

[2] *Vide* Louis de la Vallée Poussin, *Bouddhisme, Études et Matériaux, Cosmologie : Le Monde des Êtres et le Monde-Réceptacle*, app. pp. 318–19.

[3] Poussin, op. cit., pp. 319–20.

[4] Quoted in Śāntideva's *Śikshāsamuchchaya*, p. 192.

[5] Quoted from the English translation of *Mahāvastu* by J. Jones, vol. I, p. 230.

[6] *Sahaja, putrabala, jñātimitra-bala, chaturañgabala* and *prajñābala* in the original.

[7] Identifications by E. H. Johnston, *Buddhacharita* tr., p. 28 n.

[8] Quoted in *Śikshāsamuchchaya*, p. 298.

[9] *Lalitavistara*, part I, pp. 13–18, ed. by S. Lefmann and *Rgya tch'er rol pa ou developpement des jeux contenant l'histoire du Bouddha Çākya-mouni*, by Ph. Éd. Foucaux, part II, pp. 14-20.

CHAPTER XV

(A) THE WORKS OF CLASSICAL SANSKRIT LITERATURE—I THE *RĀMĀYAṆA*, THE ORIGINAL *PAÑCHATANTRA* AND THE DRAMAS OF BHĀSA

INTRODUCTORY

Among the works of general literature belonging to this period the first place must be assigned to the *Rāmāyaṇa* which is called the first ornate poem (*ādikāvya*) serving as a pattern for all later poets. Of the Seven Books of this work, Books II-VI have been proved to be its original nucleus, while the other books have been held to be much later additions. Good reason has also been given for the view that the original *Rāmāyaṇa* was brought into shape out of the older collection of ballads sung orally by diaskeuasts, by a historical poet Vālmīki probably about the third century B.C., while the additions belong to a much later date.[1] In so far as the political ideas in this work can be gleaned from the scattered notices, we do not see much difference between its earlier and later portions. Of the general character of these ideas it will be sufficient to state in the present place that they are dominated by the thought of Manu and of Bhīshma in the *Mahābhārata*, but are nevertheless not wanting in originality. Next to the *Rāmāyaṇa* and surpassing it in some respects as a store of political ideas, may be mentioned the celebrated book of fables called the *Pañchatantra* 'The Five Books'. This work announces itself as a manual of instruction for kings composed by a learned Brāhmaṇa for the education of some ignorant princes at their father's request. The author begins his work with salutation to the six 'makers of the kingly science' (*nṛipaśāstra*), namely, Manu, Bṛihaspati, Śukra, Parāśara, Vyāsa, and Chāṇakya. Again we are told that the learned Brāhmaṇa Vishṇuśarmā composed this science after mastering the cream of all the *Arthaśāstras*. The *Pañchatantra*, then, is admittedly based upon the ideas of the *Arthaśāstra*—a statement which is fully borne out by an analysis of its contents. Thirdly and lastly, we have to mention in the present context the dramatic works of the poet Bhāsa, the predecessor of Kālidāsa. These works contain a number of references to political ideas which indicate the profound influence of the *Arthaśāstra-Smṛiti* tradition, but are nevertheless not wanting in interest.[2]

AUTHORITY OF THE LAW OF THE SOCIAL ORDER

We have an interesting glimpse into the *Rāmāyaṇa* ideas of the law of the social order in a celebrated episode in the hero's later career. An aged

Brāhmaṇa, we read, having lost his boy by premature death, approached Rāma with the dead boy in his arms, and charged the king with being the cause of his misfortune. Of the significance of the Brāhmaṇa's speech on this occasion we shall speak in another place. When Rāma, according to the story, asked the advice of the ministers as well as of the leading Brāhmaṇas and others, the sage Nārada (VII 80. 9f. $G = 77.8$f. $NW = 74.8$f. S) told him the characteristic duties (*dharma*) belonging to the successive Age-cycles. In the *Kṛita* Age when righteousness (*dharma*) was full, the Brāhmaṇas alone practised austerities: in the *Tretā* Age with the advent of one-quarter of unrighteousness the Kshatriyas practised austerities, and the distinction between the four castes was established (by law): in the *Dvāpara* Age with a further increase of unrighteousness the Vaiśyas also began to practise austerities, and the three upper classes performed righteous acts (*dharma*) to the exclusion of the Śūdras: only in the future *Kali* Age when there will be a great increase of unrighteousness will the Śūdras practise austerities. In the above extract the author gives us an interesting version of Manu's doctrine of distinctive duties for the successive Time-cycles (*yugadharma*). For he traces what he conceives to be the four stages of relaxation of the social order to the progressive increase of unrighteousness in the four successive Ages. His view, nevertheless, involves the application of the well-known *Smṛiti* doctrine of the continuous adjustment of Law to the changes in the Time-spirit.

RELATION OF POLITICS TO ETHICS

The *Rāmāyaṇa* conception of Politics, here called *Kshatravidyā* ('the Kshatriya science') or *Kshatradharma* ('the group of Kshatriya duties'), furnishes an instructive contrast with the thought of Bhīshma in the *Mahābhārata*, while it links itself with the ideas of the early Buddhist canonists on the subject. When Daśaratha at Queen Kaikeyī's instance, we are told, decreed Rāma's banishment, Rāma's affectionate brother Lakshmaṇa and mother Kauśalyā joined together in urging him to disobey the old king's command and reign as Crown Prince. Repudiating this counsel Rāma gently but firmly expressed his determination to abide by his father's command. In the course of his spirited reply to Lakshmaṇa, Rāma advised him (II 18.49 $G = 21.49$ NW and S) to give up this evil (*anārya*) resolution contaminated by *kshatravidyā* (G and NW) or resting on *kshatradharma* (S) and follow the (true) *dharma* involving obedience to Daśaratha's command. Again, when Bharata repairing to Rāma's forest-retreat urged him to return to the capital and reign as king, his request was backed by the sage Jābāli on grossly materialistic grounds. Rāma's reply repudiating the sage's advice occurs in the Gauḍīya and North-West recensions, but is wanting in the Southern recension. In the course of this reply Rāma expressed his determination to renounce the *kshatradharma* which seemingly is righteousness

(*dharma*), but is really its reverse, and which is followed by mean, cruel, greedy and sinful men (II 118.19 *G* = 109.20 *NW*). By contrast Rāma in the same context (II 118.10 *G* = 109.10 *NW*) pointed out the characteristics of the (true) behaviour of kings (*rājavṛitta*). The eternal *rājavṛitta*, he declared, comprises truth and compassion, and therefore the kingdom (*rājya*) is established upon truth. In the above extracts, it will be seen, the author through the mouth of his semi-divine hero expresses his strong sense of the antagonism between Politics and Ethics (including under the latter term the ethics of the individual ruler).

AUTHORITY AND OBLIGATION OF THE TEMPORAL RULER

The principle of the high authority of the temporal ruler is repeatedly emphasized in the *Rāmāyaṇa* after the ideas of the later Brāhmaṇa canonists. When Daśaratha, we are told, (II 69 *G* = 73 *NW* = 67 *S*), died of grief for separation from his eldest and most beloved son Rāma, the great Brāhmaṇas repaired to the Council-hall, and together with the ministers earnestly pleaded with the royal family-priest Vaśishṭha for immediate installation of a prince of the blood on the vacant throne. In support of their prayer they drew a most lurid picture of the evils of a hypothetical State of Nature without a king, a description which is paralleled by Bhīshma's account of the same in the extracts (XII 67–8) quoted elsewhere. In a kingless country (*arājaka janapada*), we read, the clouds do not pour the heavenly showers, the seeds are not sown by the hand, and the merchants do not move about from one tract to another with their merchandise : in such a land the sons do not obey their fathers, nor the wife the husband, nor the disciple his preceptor, and there exists neither wife nor property, and one is not master even of his own self : in such a land the upper classes do not perform sacrifices and the solitary sage is unable to practise contemplation of the Universal Soul : in such a land there exist no festive or social gatherings attended by actors and dancers, ladies of good families do not walk fearlessly on the streets, gallants do not enjoy themselves in the gardens with their lady-loves, and rich men do not sleep with their doors wide open : a land without a king is (lifeless) like a river run dry, a forest without grass, and a herd of cattle without the herdsmen. The king, we are told in the supplementary verses found in the Southern recension alone, is identical with truth (*satya*) and righteousness (*dharma*), as well as the family-asset of high-born persons : he is, as it were, the mother and the father and the benefactor of men : by his mighty behaviour he excels the gods, Yama, Kubera, Indra and Varuṇa. The principle of the king's authority is treated by the author of the *Rāmāyaṇa* in a second extract conveying the bird-king Jaṭāyu's reproach to the demon-king Rāvaṇa in the act of intercepting him after his abduction of Sītā. The king, he says (III 57.20 *G* = 55.11 *NW* = 50.10 *S*), is the highest support of the threefold end of life, while *dharma* as well as good and evil customs spring from the king as their root. In a third extract found only in the Gauḍīya recension (II 122.17f.), we have an account of the king's

functions addressed by Rāma to his affectionate brother Bharata, while rejecting the latter's prayer to return from his forest-retreat and ascend the vacant throne. As Indra showers rain during four months of the year, so should the king shower remissions upon his kingdom : as the Sun extracts water with his rays for eight months in the year, so should the king collect his revenue according to law (his 'Sun-function') : as the Wind-god moves about penetrating all creatures, so should the king penetrate everywhere with his spies (his 'Wind-function') : as Yama at the proper time binds down his friends and foes, so should the king after mature deliberation behave equally towards friends and foes : as Varuṇa binds down persons with his noose, so should the king bind down robbers (his 'Varuṇa-function') : as the full moon gladdens the hearts of others, the king gladdens all his subjects (his 'Moon-function') : as the Earth constantly sustains all creatures with equal care, the king should sustain all his subjects. In the above extracts the author repeats the ideas of Manu and Bhīshma about the high significance of the king's office and functions. The king's office, it is held in the first extract, is the safeguard of the institutions of family and property, the security for fulfilment of individual obligations and the guarantee of enjoyment of the material advantages and amenities of life. These ideas lead to the view that the king is the symbol of virtue and beneficence as well as superhuman excellence. In the second extract the scope of the king's office is conceived in such high terms as to make him at his best the means of fulfilment of the complex human ends as well as of law (or righteousness) and at his worst the means of their corruption. The third extract repeats the ideas of Manu and Bhīshma about the equivalence of the king's functions to those of multiple deities, thus casting a sort of divine halo about the king as their performer.

From the above ideas of the nature of the king's office and functions the author of the *Rāmāyaṇa* draws the familiar corollary of the subjects' obligation towards their ruler. Let us begin with an extract where Rāma vindicates his act in slaying the monkey-king Vālin. Kings, he says (IV 17.25 and 27 $G = 14.20$–21 $NW = 18.41$–2 S), are beyond doubt bestowers of *dharma* (law or righteousness), and life as well as happiness : one should not injure or revile them, or speak falsely or harshly against them : kings are gods in the form of mortals moving on earth. Kings of incomparable splendour, we are further told in the Gauḍīya recension (ibid. 26), have five forms, namely, those of Fire, Indra, the Moon, Yama and Kubera. Kings, says Rāvaṇa in the second extract (III 45.12–13 $G = 43.12$–13 $NW = 40.12$–14 S) while urging the virtuous demon-ascetic Mārīcha to help him in his evil design of abducting Sītā, assume five different forms (namely, those of Fire, Indra, the Moon, Yama, and Varuṇa) and imitate their different qualities, and therefore they are to be honoured in all circumstances. In the third extract (IV 17.36 $G = 13.15$ $NW = 17.31$ S) the monkey-king Vālin when lying mortally wounded in his fight with Rāma tells the latter in a reproachful speech that the slayer of a king goes to hell. In the first extract the author

inculcates through the mouth of his hero the duty of the subjects to respect the person and the authority of their ruler, and he justifies this on the ground that the king's office is the safeguard of public security and happiness and that he is equivalent to multiple deities. On the other hand the author in the two following extracts condemns by implication the extreme form of this doctrine implying the unlimited obligation of the subjects to honour their ruler as well as his complete immunity from punishment at the hands of his subjects.

Along with the principles of the king's authority explained above, the author of the *Rāmāyaṇa* mentions after the *Smṛitis* the complementary principle of the king's obligation towards his subjects. The two principles are combined together in a remarkable extract (II 79.8–9 *G* = 83.24–5 *NW* = 75.7–8 *S*). Here we read how when Queen Kauśalyā at her first meeting with Bharata after the banishment of her son and death of her husband, unjustly upbraids the virtuous Prince with being the cause of her misfortunes, he utters a series of terrible oaths to clear his character. By these oaths he imprecates upon the head of the person who caused Rāma's banishment the curses for commission of various sinful acts: among these acts are mentioned committing treason against a king who protects the creatures like his own sons, and the failure of a king who receives one-sixth of the produce from his subjects to protect them. In other words, the king's quasi-contractual obligation of protection is equally imperative, according to the author, with the obligation of the subjects to respect the authority of their just ruler.

In other passages the ruler's obligation towards his people is inculcated by the high authority of the sages, or else of the ideal king Rāma. It is the king's duty, says Rāma in the course of his exposition of royal duties to his brother Bharata (II 109. 25 *G* = 114.25 *NW* = 100. 48 *S*), to give protection to all residents of his kingdom. Again he says to his wife Sītā (III 14.3 *G* = 11.3 *NW* = 10.3 *S*) that the Kshatriyas wield weapons so that the word 'afflicted' (*ārtta*) might not exist. The king, say the sages of the Daṇḍaka forest (III 6.19–21 *G* = 4.17–21 *NW* = 1.18–20 *S*) to Rāma at the time of his visit, is one-fourth of the God Indra, and he protects his subjects as such: as the sages live in his kingdom, they are to be protected by him: especially the sages who have laid aside anger and other passions as well as their power of punishment, deserve protection at the king's hands. The king, say the ascetics of the hermitage of the sage Śarabhaṇga to Rāma (III 10.11–14 *G* = 7.14–17 *NW* = 6.11 –14 *S*), incurs heavy sin if he takes one-sixth share of the produce as his tax (*bali*), but fails to protect his subjects like his own sons. In the above-quoted story of the old Brāhmaṇa upbraiding Rāma for the premature death of his boy, we are told (VII 79.16–17 *G* = 73.16–17 *NW* and *S*) that the subjects come to grief when they are not well protected through the king's fault, that when the king indulges in an evil course of conduct, the subjects die prematurely, and that when the people in the town and the country-side commit wrong without the king's

protection, there arises the danger of premature death (of the subjects). Supporting this plea of the Brāhmaṇa the sage Nārada tells Rāma (VII 80.26–7 *G* = 77.28–9 *NW* = 74.28-9 *S*) that when a man does any unlawful or evil act in the kingdom, he as well as the king doubtless goes to hell. For the king (as we read further in the Gauḍīya recension) incurs one-fourth of the resulting sin. Or, as the Southern recension tells us more fully, the king who justly protects his subjects earns one-sixth of the merits acquired by them from Vedic study, the practice of austerities and the performance of good works. As the king thus earns his one-sixth share, so concludes the argument, why should he not protect the subjects ?

The above extracts involve the application of the triple principle (the ethico-religious, the divine and the quasi-contractual) of the king's obligation towards his subjects that is laid down in the *Smṛitis*. The king, we are told, is charged with universal and complete protection of his subjects evidently in accordance with the law of his order. The same obligation is imposed upon him by virtue of his being a portion of the Divine ruler and as a corollary of his collection of taxes from the people. The king's obligation is supported by the usual double sanction in the sense that he is not only liable for his own *karma*, but he also acquires by transfer the whole or part of the good and evil *karma* of his subjects according to his reaction to this obligation. By an extension of the *Smṛiti* principle of the king's sanction we are told that the king's neglect of protection results in shortening the life-span of his subjects.

Passing from the *Rāmāyaṇa* to the *Pañchatantra* we may quote from the latter work a short extract (I 4–5) relating to the ruler's authority over his subjects. Introducing his story of a lion living alone in the forest the author here observes that the king of beasts has no emblem of royalty and he is not conversant with the science of polity (*nītiśāstra*), and yet because of his high spirit (*sattva*) he is acclaimed as king. No consecration and no sacraments, the author continues, are performed by the beasts for the lion, but still the kingship comes naturally to him as he acquired his authority by his own prowess. In this passage the author, taking his illustration from the animal kingdom, evidently intends to emphasize the ruler's personal qualifications as the basis of his authority over his subjects.

We may consider in the last place a few extracts in Bhāsa's works bearing upon the principle of the king's authority. In Act III of Bhāsa's *Pratimā-nāṭaka* the old and venerable chamberlain Sumantra, urging Prince Bharata to mount the throne rendered vacant by the death of the King Daśaratha and the exile of the two older princes, observes, 'As cattle without a cowherd perish for want of protection, so do the people perish without a king.' This extract, which puts into Sumantra's mouth by means of a homely simile the gist of the long argument used by the Brāhmaṇas and the ministers in the original *Rāmāyaṇa* story, repeats a familiar *Smṛiti* principle, namely, that the king's office is the fundamental safeguard of individual and collective security. On the other hand there seems to exist no reference to the doctrine

of the king's divinity in Bhāsa's works. In *Pratimānāṭaka* Act III, it is true, occurs an incident which gives the play its title. For we are told how Prince Bharata, reaching the end of his journey to Ayodhyā from his maternal grandfather's kingdom, was constrained quite unexpectedly to halt at a statue-house (*pratimāgṛiha*) in the outskirts of the city. The house contained statues of the prince's four dead male lineal ancestors, namely, Dilīpa, Raghu, Aja, and Daśaratha: it had no distinctive weapon or flag or other symbol of a divinity, but still presented the spectacle of oblations being offered with flowers and fried grain and similar signs of worship: as the statues were those of Kshatriyas, it was forbidden to a Brāhmaṇa to salute them. From the above description it would appear that the dramatist here refers to the application by the members of the royal family of an old Vedic cult, namely, that of making offerings to deceased ancestors (*Pitṛis* or 'the Fathers') who were from the first sharply distinguished from the gods.[3] We have an early reference to this practice in a passage in Kauṭilya's *Arthaśāstra* (II 6) which includes offering to the Fathers in a list of constituents of the king's expenditure. The present passage marks an important development of the same cult as it points to the fashion of princes erecting statues of their immediate deceased male ancestors in a shrine for the purpose of making offerings to them. Of the apotheosis of deceased kings as such, or in other words of a cult of king-worship, there is in this extract no trace.

PRINCIPLES AND POLICIES OF GOVERNMENT

The most systematic and authoritative statement on the theory as well as principles and policies of government in the *Rāmāyaṇa* occurs in the above-quoted extract (II 109 *G* = 114 *NW* = 100 *S*) containing Rāma's exposition of statecraft to his brother Bharata. The king, we read, is to avoid twelve (or alternatively, fourteen) faults: among these are included atheism, falsehood, carelessness, procrastination, avoiding intercourse with wise men, idleness, and propensity to sin: other faults included in the list comprise deliberation by himself alone or with many or incompetent ministers, and failure to carry into effect the results of deliberation as well as to guard the secrecy of counsel. The ministers, we are further told, are to have the qualities of heroism, learning, self-restraint and capacity for understanding men's minds: the king's counsel is to be kept secret, for counsel is the root of the king's victories: the king is to settle the line of policy costing little trouble but productive of great gain, and then to carry it swiftly into action: he is to select men of high, intermediate, or low calibre for the corresponding posts: not only is the commander-in-chief to possess the qualities of heroism, intelligence and so forth, but the king's troops are to be paid regular salaries, for when they are not paid at the proper time, they harm the king's interest: the king is to attend to finance so that he may increase his income and diminish his expenditure: his administration of justice is to be such that no thief caught in the act is let off for a bribe by his officers, and no one is falsely

accused, and no partiality is shown in case of disputes between strong and weak parties.

Shorter expositions of the principles and policies of government occur in other extracts. The king who is addicted to sensual pleasure and is self-willed, says the demoness Śūrpaṇakhā in a reproachful speech to her brother Rāvaṇa (III 38 *G* = 37 *NW* = 33 *S*), is looked down upon by his subjects like fire in a cremation-ground. When the king, the speaker continues, does not himself carry out his work at the proper time, his work along with his kingdom and his life itself comes to destruction: the subjects abandon from afar a king who has fallen from his conduct (in the alternative recension, who does not employ secret agents), and who is self-indulgent: the kings who have not their desires (alternatively, secret agents), anger (alternatively, revenue), and policy under control, are just like ordinary men: the king who is haughty, self-willed, self-laudatory and is prone to anger, is slain by the people at the time of his distress: he who is careful, well-versed in all affairs, self-controlled, grateful, and virtuous, enjoys his kingdom for long. In the extract quoted above in part the monkey-king Vālin tells Rāma (IV 16.25 and 28 *G* = 17.29 and 32 *S*) that the good qualities of the king (or the Kshatriya) comprise conciliation, charity, righteousness (or else heroism), forbearance, truth, and steadiness, as well as punishment of wrongdoers, and further, that the pure behaviour of kings comprises good policy (*naya*) and discipline (*vinaya*) as well as the punishment (of the wicked) and favour (towards the good), and that the king should never be self-willed (*kāmātmaka* or *kāmavṛitti*). In another context (III 46.7–15 *G* = 44.7–12 *NW* = 41.7–14 *S*; III 47.17 *G* = 45.17 *NW*) the virtuous Mārīcha, while vehemently but fruitlessly urging Rāvaṇa to give up his evil design of abducting Sītā, observes that the king who is self-willed (*kāmavṛitta*) and given to evil conduct, should be prevented by his ministers by all means. It is through the king's favour, the speaker continues, that the ministers attain the threefold end of life as well as high renown: as the king is the source of *dharma* and fame (alternatively, victory), he must be protected in all circumstances: the king who acts without consulting ministers cannot for long be fixed in his kingdom just as water is not fixed on a lotus-leaf: no one who is cruel, undisciplined and ill-disposed towards his subjects can rule a kingdom: like sheep controlled by a jackal, the people do not prosper when controlled by a king who is cruel and ill-disposed towards them. In a fresh extract the author describing the rule of the good king Daśaratha tells us (I 6.4 and 21 *G*) that he was a protector of his subjects like the first king (*ādirāja*) Manu, and that while the Kshatriyas accepted the primacy of the Brāhmaṇas, the Vaiśyas and the Śūdras were loyal to the king.

The above passages repeat some of the basic ideas of the *Arthaśāstra-Smṛiti* tradition about the theory as well as principles and policies of government. These are concerned with the king's moral qualifications (including, above all, self-control), the qualifications of the king's officers and their

selection, the duties of the ministers, the technique of the king's consultation with his ministers and the application of the approved methods of administration (specially in the branches of finance and justice as well as the army).

An extract (I 59 along with the accompanying prose narrative) of the *Pañchatantra* introduces us to an interesting attempt to integrate the traditional lists of the king's private vices and public calamities under a common formula. Introducing his account the speaker observes that the traditional list of seven vices of kings forms but one (technically called *prasañga*) out of a category of seven elements. There are, he explains, five basic calamities (*mūlavyasanas*), namely, deficiency (*abhāva*), disorder (*pradosha*), vice (*prasañga*), affliction (*pīḍana*), and bad policy (*guṇaprātilomya*). The speaker distinguishes these elements in the following way. The first arises when there is deficiency in even one of the following, namely, the ruler, the official, the country-side, the fortified area, revenue, the army, and the ally : the second arises when the internal or external elements of the kingdom are disaffected against the king : the third comprises the seven vices above mentioned, of which the first group (comprising indulgence in women, gambling and drinking) springs from pleasure, while the second group (harshness of speech etc.) springs from anger : the fourth element is of eight kinds according as it arises from accident, fire, flood, disease, pestilence, cholera, famine or 'fiendish rain' (the last meaning excessive rain or want of rain) : the fifth and the last element arises when there is a misapplication of the six forms of foreign policy, namely, treaty, war, attack, neutrality, taking refuge, and double-dealing. The above extract seeks to bring together under one comprehensive title all the types of calamities of the king and the kingdom known to the *Arthaśāstra*. These comprise the deficiency of one or other of the seven limbs of the State, disaffection of the elements inside and outside the kingdom, the traditional list of the king's vices, the conventional list of the providential calamities, and the misdirection of foreign policy. The *Arthaśāstra* principle of the superiority of diplomacy to force is laid down in a nutshell by a speaker in another extract (I 60). What can be achieved by good policy (*upāya*), we are told, cannot be accomplished by violence (*parākrama*).

More important than the above as illustrating the author's idea of the principles of government is the tale, forming the frame-story of Book I of this work, of a lion and his retainers. When the lion being wounded and disabled, we are told, suffered from extreme pangs of hunger, he was advised by a crow in his company to kill for his food a camel to whom he had given asylum. This introduces us to an important discussion of the problem of conflict between the claims of morality and self-interest and those of individual and collective interest. For, when the lion indignantly repudiates the crow's suggestion by praising after the *Dharmaśāstras* the gift of safety as the highest of all gifts (I 116), he is reminded by the crow of the saying of the great sages to the effect that sin may be committed for the sake of one's good. Explaining in the following verse (I 117) a paradox of policy, the crow

observes that while ordinarily the unit should be sacrificed in the interest of the whole, the whole minus the individual self should by way of exception be sacrificed in the interest of the latter. For the sake of the family, it is explained, an individual (member) may be sacrificed, for the sake of a village a family (thereof) may be sacrificed, for the sake of a State or territory (*janapada*) a village may be sacrificed, but for the sake of one's self the (whole) world may be sacrificed. The problem of conflict between the claims of friendship and State-interest is treated in the concluding part of the story. The lion, we read, being struck with remorse for killing his protégé, observes (I 172) that as between the loss of a plot of excellent land and of a wise servant the latter is the death of kings, for lost land is more easily regained than servants. A person who threatens the king's life, says the crow in reply (I 173), be he the father or the brother or the son or the friend, must be killed if the king wishes to prosper. The merciful king, the speaker further observes (I 174), heads a list of persons who must be abandoned. To this he adds (I 176) that a kingdom cannot be governed according to ordinary standards of men, for what are vices in ordinary men are virtues in a king. This leads him to a remarkable doctrine of the composite and even contradictory tendencies of statecraft. A king's policy (*nīti*), he says (I 177), like a harlot takes many guises: it is at once true and false, harsh and gentle in speech, cruel and compassionate, avaricious and generous, lavish in spending and yet taking in great amounts of wealth from many sources.

The above passages involve the application of a number of principles based more or less upon the late *Arthaśāstra-Smṛiti* ideas of the relation of state-craft to morality. These are, firstly, that the need of self-interest overrides the injunctions of Ethics, secondly, that the individual is greater than the whole and as such his interest overrides that of the latter, and thirdly, that while ordinarily the friend is a greater political asset than land, the interest of the king (or the State) overrides the claims of the offender to his affection and respect. Adding to the above a familiar *Mahābhārata* principle the author observes that statecraft is founded essentially upon cruelty, that it elevates private vices to the rank of public virtues, and that it involves the blending of composite and even contradictory strands in its composition.

The old *Arthaśāstra* problem of the comparative advantages of the lines of policy indicated by the category of the four political expedients (*upāyas*) is treated by the author of the *Pañchatantra* in another extract of Book I belonging to its frame-story. Here a speaker, boasting of his success in creating dissensions between two friends, observes (I 128) that well-directed dissensions divide even men of sound intellect, just as the mighty flow of waters divides mountains of solid rock. Rebuking him for his wickedness and folly, another speaker (I 130–33) compares the advantages of conciliation (*sāma*) and force (*daṇḍa*). True ministers, he says, are those who through their skill in policy settle with conciliation matters which others would accomplish with great effort, and which produce advantages associated

with extreme force and violence, while those seeking small and unsubstantial advantages by the ill-advised use of force bring the king's fortune into jeopardy by their imprudent conduct : conciliation should be tried first by one who knows his business, for policies undertaken therewith do not end in disaster : not by a radiant jewel nor by the Sun's rays nor by fire, but by conciliation alone, is dispelled the darkness born of enmity : on the other hand force is the worst of the four kinds of policy, and therefore it should be avoided. Passing into a general comparison of the four expedients, the speaker says (I 134) that conciliation, bribery and dissension are, as it were, the open door of wisdom, while the fourth is called human exertion (which should be resorted to only in the last instance). The speaker winds up by saying in still more general terms (I 135–6) that the strength of elephants, vipers, lions, fire, water, wind and the sun is powerless against the onslaught of the political expedients, and that many heroes strong and possessed of insight have gone the ways of their leader. The above extract repeats a principle known to Manu and other authorities, namely, that which relates to the folly as well as the danger of a policy of force (except as the last alternative), and by contrast, the advantages of a policy of conciliation.

Another extract in Book I deals briefly with a principle recalling the *Arthaśāstra-Smṛiti* ideas of the qualifications of ministers. Even a beast, we are told (I 18), understands words that are spoken, horses and elephants move in response to the whip, while the wise man understands even what is not expressed, for the fruit of intelligence lies in knowing the gestures of others. The intelligent man, it is further observed (I 23), can point out as if shining in advance, the calamities and the success following from the use of good and bad plans respectively, which are directed in accordance with the principles of policy. From the above passages it follows that insight and foresight are the essential characteristics of a statesman.

The most considerable body of political ideas in the *Pañchatantra* is concerned with a specific *Arthaśāstra* problem of inter-State relations, namely, that relating to the foreign enemy. One should not at first, says a speaker (II 15), make a treaty with an enemy though the bond is very close, for does not water though very much heated still put out fire ? Carrying this general principle into greater detail, he divides enemies after the (technical) sciences into two classes, namely, natural (*sahaja*) and artificial or causal (*kṛitrima*), and he says that while the enmity produced by some cause may be removed by a suitable act of kindness, natural enmity is never removed by any means. Dividing natural enmities into two varieties, the speaker further says that it is mutual enmity when one slays another and likewise may be devoured by another, while it is one-sided enmity when one slays and devours another for no previous cause and without the latter's doing him any harm. The above extract lays down an important principle of foreign policy after the *Arthaśāstra* standards. This comprises unmitigated distrust of the enemy even when he is in apparent friendship, and still more, when the enmity is natural, and above all when it is one-sided.

The policy of a king towards his foreign enemy is discussed more fully in Book III of the *Pañchatantra*. The moral is conveyed to us in its very opening verse (III 1), which says that trust should not be reposed in one formerly at strife, or with an enemy turned into a friend. In the story forming the subject matter of this book a crow-king consults his five hereditary ministers for meeting the great danger from a neighbouring owl-king who had just made a destructive night attack upon his host. The advice of the ministers covers a remarkably wide range of policies. When one is attacked by a powerful enemy, says the first minister after the teaching of the (technical) science, he should either make his submission, or migrate to a foreign country. Rejecting this advice, the second minister recommends a policy of spending the time in swing-fashion (*dolā-vyāja*) : this means withdrawing when threatened by danger, and returning to the stronghold when it has passed away. Pointing out the difficulties of this course, the third minister recommends the policy of making a treaty (*sandhi*) : when a weak king, he argues (ibid. 2), is attacked by a powerful enemy with a mighty host, he should hasten to make peace in his own interest. Opposing this policy as unbecoming a heroic and powerful king, the fourth minister gives his own advice in favour of war, for there can be no treaty without a common meeting-ground. The fifth and the most honoured minister opens his speech with a powerful plea against war. He justifies his view in the first place by pointing (ibid. 5–10) to the grave danger of rushing into action without weighing the relative strength and weakness of the parties, of neglecting even a weak enemy, of trusting a patient and discerning enemy, and of despising even one who is a coward, or is in flight, or is disarmed, or is alone and so forth : further justifying his view by comparing the relative advantages of war and policy, the speaker says (ibid. 11) that the man whose enemy is conquered without effort is a true victor, but he who conquers only after fighting a doubtful battle is really defeated : again he observes (ibid. 12) that while success is won either by guile or by mutual slaughter, that which is gained without policy means one's own death : this leads to the conclusion that war is by no means profitable, for fight with a stronger enemy like fighting on foot with an elephant leads to utter ruin. Introducing his own statement of policy the speaker after a short digression into the technique of government (to which we shall presently return) recommends the application, in place of the conventional sixfold foreign policy (*guṇa*) and fourfold political expedient (*upāya*), of a fifth expedient, namely, deceit (*chhala*) : this corresponds to the term *māyā* of the late *Arthaśāstra* tradition. The speaker justifies his view by saying (ibid. 57) that it is possible for many powerless adversaries who have made enmities to trick their enemy by their wits, and he proceeds to illustrate this straightway by a fable. The above extracts repeat after the *Arthaśāstra* pattern a series of alternative policies open to a weak king who is faced with a powerful enemy. These are stated in an ascending order of their enumeration to be the policies of submission (or alternatively, flight), of opportunism, of treaty, of war, and of deception. This last policy is justified

by the plea of the dangers and uncertainties of warfare in contrast with the certain success of deception.

Putting the last-named policy into practice the fifth minister, according to the story, gets himself wounded and deserted by his master, and he tricks the owl-king and his followers at their approach with a false tale of his having been punished as a traitor for advising surrender to a powerful enemy. The minister's argument allegedly advising this line of policy is based upon the naked plea of self-preservation. A weak man seeking his own welfare, we are told (ibid. 59), should not even in thought fight with a powerful enemy: if he acts like a reed that bends before a stream, he is not deprived of his possessions, but if he behaves like a moth rushing into the flame, he perishes completely. With this may be compared the view of an old *Arthaśāstra* thinker (Bhāradvāja) quoted in a previous chapter (v), recommending a weak king who is attacked by a powerful enemy to behave like a reed in the water and be submissive.

The story of the consultation held by the owl-king with his five ministers on the question of treatment of his pretended friend is told by the author in such a way as to indicate his strong condemnation of a line of policy based upon sentiment or wrong reflection, as distinguished from one founded upon sound judgment. Asking that the pretended friend should be slain without hesitation, the first and the wisest minister (ibid. 60–61) says that a weak enemy should be killed before he has the opportunity to become strong, for afterwards when he has acquired strength and prowess, he becomes difficult to conquer : again he observes, after quoting a popular saying to that effect, 'Opportunity comes only once to a man who is seeking the same, and it is hard to find the same again when he wishes to do the work.' When this wise advice is rejected by the other ministers on the ground of morality and policy, the first minister addresses a spirited remonstrance to his master against the evil of bad ministers. Those who depart from good policy, he says (ibid. 70–71), and follow its reverse, should be regarded by the wise as ministers in outward form, but really foes : even good men are destroyed like darkness at sunrise, if because of having a foolish minister they disregard the conditions of place and time. The strongest condemnation of the advice of the four ministers is conveyed to us by the soliloquy of the minister of the crow-king (ibid. 76), when he is being led away by his deluded enemies to their own stronghold. He who advised killing the refugee, we are told, is the only one of the ministers that knows the right meaning of the science of policy. The principles laid down in the above extracts more or less on the lines of the *Arthaśāstra* are, firstly, the danger of neglecting a rising enemy and the necessity of nipping him in the bud, and secondly, the evil of the selection of foolish ministers.

The address of the minister of the crow-king to his master on his return home after his treacherous and complete destruction of the enemy contains some further lessons on the principles and policies of government. Replying to his master's statement (I 78) that association of a righteous man with an

enemy even for an instant is worse than throwing himself into a burning flame, the minister observes that this is justified by necessity. In the presence of danger, we read, (ibid. 79-82) a skilled intellect should adopt any way whatever, be it great or small, which leads to his salvation : a learned man, though he be strong, should always be willing for the sake of biding time, to live even with mean and sinful men who are as hard to endure as a thunderclap : when an intelligent man has fallen into adversity, he should put his heart into whatever action presents itself, whether good or bad, and bide his time : a learned man desiring success even though he possesses steadiness and prowess should suppress his power and should carefully watch his steps in the situations ordained by fate. When the king repeats his view of the danger of association with an enemy, the minister tells him (ibid. 85) that the wise man when shorn of his power bears it without betraying his feelings and bides his time. The minister next shows how to deal with the enemy. When a servant, we read (ibid. 86 ; ibid. 88 ; ibid. 99), comes over from an enemy and wants to dwell with his former foes, it causes constant anxiety for it is of the nature of living with a serpent : foes strike at foes, if they are not watchful in regard to things seen and unseen, when they are sitting or lying down or on the march, or are occupied with eating and drinking : a wise man, by blotting out totally the remnants of debt, disease and an enemy, never comes to grief. Comparing in the next place the relative advantages of diplomacy and force, the speaker observes (ibid. 104–5 ; 108) that foes killed by weapons are not killed, but those killed through wisdom are completely killed, never to appear again, and that while the weapon kills only the man's body, wisdom kills the family, riches and fame : an arrow discharged by an archer may or may not kill a man but intelligence directed by an intelligent man destroys the kingdom along with its king : even when an object can be attained only by violence it is good at first to show humility. In the same context the author (I 101–3 ; 107 ; 114 ; 120–21) mentions the high qualifications of the ruler and the requisites of his successful administration. A king to be successful must exercise his highest powers : he should be self-controlled, truthful, wise and resolute : his mind should not sink in adversity, and be unduly elated in prosperity : he should control his anger : he should show forbearance : he should exert himself in time : he should conceal his family scandals : he should be watchful of his weak points : he should know himself, and the conditions of time and place, the good and bad qualities, his friends and his enemies, his strength, his means of carrying out his plans, his good fortune and so forth. To a man who is liberal, heroic and wise, we are further told, people attach themselves, and they become filled with good qualities : to a qualified man comes wealth and from wealth comes good fortune, to a fortunate man comes authority, and from authority comes kingship. On the other hand when a king does not delight his subjects with protection and so forth, his name has no use like the false teat on the neck of a she-goat. The speaker next impresses upon the king the lessons of love of virtue and dislike of vices as well as attachment to good policy, and he

solemnly warns the king by the plea of fickleness of royal fortune and the destructive sway of time or destiny against yielding to the intoxication of power. While good policy, he further observes, is the ornament of kings, its reverse destroys good fortune, however magnificent this may be. The above long extract involves a number of important principles more or less after the *Arthaśāstra* pattern. These are : firstly, the principle of constant vigilance and total hostility towards the enemy ; secondly, that of superiority of intrigue to force as the weapon for fighting the enemy ; thirdly, that of the king's high qualifications as the requisite of successful administration.

THECRY OF GOVERNMENT

The theory of the king's government is dealt with by the author of the *Pañchatantra* after the pattern of the *Arthaśāstra* in a somewhat long extract of Book I. Introducing his discussion the speaker (I 33–8 ; 40) observes that the king should be constantly discriminating in regard to his people and his kingdom, for prosperity waits solely upon recognition of the differences between them. This is illustrated by three significant similes. A husbandman may mix up all seeds and sow them, but he must judge their goodness by the sprouts when they have grown up : servants as well as ornaments should be used only in their proper places, for a man does not fasten a crest-ornament on his foot simply because he is capable of doing so : if a gem fit to be encased in a gold ornament is set in tin, it does not make any complaint, and it does not cease to be resplendent, but the blame falls upon the man who thus uses it. The king, the speaker continues, gets abundance of servants if he can distinguish between them by saying (to himself), 'This one is intelligent, this one is faithful, this one is both the one and the other, this one is dull.' On the other hand the servant deserts his master for three reasons, namely, when he is levelled with his inferiors, when he is not honoured like his equals, and when he is given an unworthy task : when the master makes no distinctions but behaves equally towards his servants, those who are capable of work lose their energy. As regards the qualifications of the king's servants the speaker (ibid. 45–50), after quoting with some flippancy the examples of gods and sages, states that servants are not to be despised because of their low birth : the servant who is a faithful counsellor is preferable to one who is born in the household and is of long standing, while fools, though many, serve no useful purpose : one who is faithful but incompetent and one who is competent but harmful, are both useless. Indicating by a causal chain the danger of wrong selection of officials, the speaker observes in conclusion that when the king is wanting in understanding, his attendants become dull-willed ; because of their dominance, no wise man appears in his train ; when the wise men stand aloof from the kingdom, policy loses its effectiveness ; when policy is lost, the whole family along with the king goes to ruin. The above extract involves two important principles regarding the technique of the recruitment and selection of officials by the king. Firstly, we are told that in the interest of successful administration

officials should be graded according to their respective capacities and aptitudes—a principle which involves the application of the old *Arthaśāstra* idea of selection of officials with special qualifications for the specialised posts. Secondly, we read that the test of a good official is not birth, but a combination of the qualities of loyalty and efficiency.

The old *Arthaśāstra* technique of the king's consultation with his ministers is repeated again and again in the *Pañchatantra*. The first extract deals with the requisites of good counsel and the technique of their consultation. Counsel (I 51; ibid. 57; ibid. 66; ibid. 69) is destroyed by not being kept secret just as a dam is destroyed by water and friendship by back-biting, and a coward by words: the highest counsel is that which is directed towards reviving a lost cause, towards gaining a future advantage and towards preventing a losing course of action: when a king invests a single minister with absolute authority in the kingdom, the minister is filled successively with infatuation, pride, loathing for the service and desire for independence and then he plots against the king's life: for there is no man who does not long for the fortune of kings, and it is only those who are humble and powerless that wait upon them. The subject of counsel is treated more fully in the second extract (III 15; 17; 20–31) which we quote below. Introducing his statement with a striking reference to the advantages of counsel, the speaker here observes that fortune which cannot be won even at the cost of sacrificing one's life rushes even without a summons into the house of those who are versed in counsel: prosperity, comes 'like rivers to the high seas' to the man who proceeds to action after considering the place, strength, the work to be done, the political expedients and his own span of life: kingship depends upon good assistants who should therefore be heroic, purified by the (technical) tests, intelligent and wise. Declaring a following of good assistants to be the king's greatest asset, the speaker further says, 'Fortune favours neither high descent nor physical beauty nor learning, but she serves, though fickle, only the ruler who is heroic and possessed of good assistants.' To the above the speaker adds other requisites of political success such as attention to the conventional forms of policy, adoption of the behaviour of good men, desire to win glory even at the cost of life, avoidance of procrastination, and speaking as suits the occasion instead of vain parrot-chatterings (*śukabhāshita*). Reverting to the role of counsel for ensuring political success, the speaker further observes that victory has its root in counsel which again has its high resting-place in one's own self (*ātmā*) and intelligence: counsel has six doors, namely, one's self (*ātmā*), the minister and the messenger, a secret agent, the practice of the three daily ablutions and the outward expressions of men: through counsel that is not communicated, one completely gains Wealth (*artha*) without loss of Virtue (*dharma*) and Pleasure (*kāma*): the approval of decisions, the removal of doubts and constant knowledge, these are the three advantages of having counsellors: on the other hand when counsel is falsely directed, it is not quenched without destroying the person who applies it,

and when the ministers are divided in counsel, this leads to naught but loss on one's own side and increase on the side of the enemy. The speaker concludes with a general statement of the factors of a king's success comprising secrecy of counsel, apportionment of income and expenditure, selection of secret agents and speaking sweetly to the ministers. We may finally notice another extract from the parting address of the crow-king's minister to his master referred to above. The faults of policy, we are told (III 90–91), affect one having bad ministers, and the king whose ministers are careless loses his kingdom : the king who provides his subjects with the blessings of good counsel through reasoning (*nyāya*) enjoys the advantages of royalty.

The above extracts involve a number of important principles traceable more or less to the *Arthaśāstra* tradition. Secrecy, we are told in the first extract, is the essential condition for the success of counsel, while a good counsel has the threefold objective of ensuring the recovery of the past and prevention of present losses as well as the gain of future advantages : a single minister, again, is a source of danger to the king in view of the acknowledged bent of the human mind towards unprincipled ambition. In the second extract we are told that counsel is the secret of a king's success along with his own qualifications and the qualifications of his assistants, that the requisites of good counsel are consideration of all the relevant factors as well as secrecy, and that while counsel secures the advantages of knowledge and decision, its misdirection and its division cause harm both to the king and his kingdom. The third and the last extract is at once a warning against the selection of bad ministers and a plea for counsel based upon reasoning.

We may conclude this section with a short notice of a few extracts from Bhāsa's works relating to the principles and policies of government. In the concluding verse of Act I of Bhāsa's drama called the *Avimāraka* ('Sheep-killer'), a king complaining of the heavy burden of royalty expresses himself with sufficient emphasis. The king must first of all observe the law (*dharma*) : he must apply his own intelligence to examine the workings of his ministers' minds : he must conceal his affection and his anger : he must be mild and stern according to the occasion : he must learn the behaviour of his subjects : he must study the rulers belonging to his State-circle (*maṇḍala*) through the eyes of spies : he must guard himself with care and yet disregard it in the van of battle. The above extract, while repeating the fundamental *Smṛiti* conception of the supremacy of law, mentions some of the familiar lines of the king's behaviour and policy. These comprise vigilance towards ministers and subjects as well as foreign States, combination of the contradictory qualities of mildness and severity as well as prudence and rashness, and lastly, self-restraint.

(B) THE WORKS OF TAMIL CLASSICAL LITERATURE

INTRODUCTORY

Among the works of the Tamil classical literature belonging to the Age of the so-called third *Śaṅgam* (literary academy) of the ancient Pāṇḍya capital Madura, the first place belongs to the three anthologies called the *Patthuppāttu* ('The Ten Idylls'), the *Ettuthokai* ('The Eight collections') and the *Padinenkīlkanakku* ('The Eighteen Minor Didactic Poems') as well as the two great epics, the *Śilappadikāram* and the *Manimekhalai*. Belonging to the last section of the eight collections, the *Puranānūru* is a set of four hundred verses composed on miscellaneous topics by different authors. Ranking again as the eleventh in the collection of the eighteen minor didactic poems is the *Kural* ('The Maxims') of the poet Tiruvalluvar.[4] Of the three sections of this last work called after the well-known threefold Brahmanical category of life, the second dealing with wealth consists (according to the English version of V. R. R. Dikshitar) of three sub-sections called 'the State', 'the limbs of the State', and 'the residue', or else (according to the earlier version of G. U. Pope) of four sub-sections styled 'royalty', 'ministers of State', 'essentials of State', and 'Appendix'. We may conveniently arrange the political ideas involved in these works under six heads : namely, authority of the king ; idea of State-structure ; ideas, principles and policies of government ; and lastly geopolitical ideas.

AUTHORITY OF THE KING

The king, says a poet in the *Puranānūru*, is the very life of the country and the people. The evils of a period of interregnum following the sudden death of a king are vividly described by the author of the *Śilappadikāram* in an extract which has been thus rendered into English verse.

'Like the stranger chief who, in unquiet times
When the land is sorely troubled, bereft
Of her sovereign lord, with none beside
To ascend the vacant throne and to guard her
With his powerful force, swooping down
Stays to harass the unhappy land
Leaving loyal subjects to weep and wail
Lawless evil-doers to wax in crime.'[5]

The above extracts evidently repeat a well-known *Smṛiti* principle relating to the king's authority, namely, that the king's office is the foundation of the security of the subjects.

IDEA OF STATE-STRUCTURE

The author of the *Kural* opens his section on Wealth (verse 381) with high praise of a king possessed of army, land, wealth, ministers, allies, and fort. This passage, while repeating the well-known *Arthaśāstra* category of the seven elements of the State, evidently reproduces Kauṭilya's view of the

predominance of the king in the list. The plan of the *Kural*, it may further be added, is based on the above category as the author deals successively with the good and bad qualities of the seven constituents of the State. This suggests the fundamental importance of the old *Arthaśāstra* concept in the author's thought.

IDEAS OF GOVERNMENT

Under the caption 'The greatness of a king' the author of the *Kural* gives us (verses 382-90) a list of the king's qualifications comprising the qualities of courage, liberality, wisdom, constant watchfulness, proneness to virtue and immunity from vice, accessibility and affability, capacity for acquiring, preserving and distributing wealth, and lastly amenability to bitter counsel. This is followed (391f.) by groups of verses of a general character in praise of learning and wisdom, in condemnation of ignorance, and in reference to the correction of faults and association with elders and avoidance of low company. In the course of these statements the author (432 & 436) mentions niggardliness, 'empty honour' (Dikshitar) or else 'over-weening self-regard' (Pope), 'blind favouritism' (Dikshitar) or else 'unseemly mirth' (Pope) among the king's faults, while he includes among the king's merits correction of his faults and that of the faults of others. In a second group of verses (911-40) the author deals generally with the evils of indulgence in women, drinking and gambling. In this context the author (939) observes, according to Dikshitar's translation, that the king addicted to gambling loses food and clothes, wealth, renown and learning. In the above extracts, it will be noticed, the author's description of the qualifications as well as defects of the king is broadly in accordance with *Arthaśāstra-Smṛiti* tradition.

The ministers are described by the author (445-50) under the above-named heading of 'association with elders' as the king's eyes. While the king relying on efficient ministers and listening to their wholesome (though bitter) counsel, we are told, has complete security over his enemies, he who is not guarded by men of firm counsel is doomed to perish even if he has no enemies. In the second group of verses (501-10) bearing the title 'engaging servants after test' the author mentions the principle of selection of assistants. One should be chosen, we are told, after putting him to the fourfold test of virtue, wealth, pleasure and fear : a man's character, again, is to be judged after weighing the good and the bad traits in his composition : while high-born and virtuous persons are to be chosen, those who have no kith and kin should be avoided as tending to be above restraint and dread of crime. In the third group of extracts (631-40) under the heading 'Ministers of State', the author mentions the high qualifications for this office : the minister must know the means and the time (of performance of the work), (the nature of) the work and its full accomplishment : he should have the five qualities of tenacity of purpose, high birth, care for the welfare of the people, learning, and perseverance : he must be capable of dividing foes,

of attaching friends and of reuniting separated allies : he must be virtuous, considerate in speech and expert in action : on the other hand a treacherous minister is equal to countless enemies. In the fourth and the last group of verses (581-90) the author deals with spies. Declaring the spies and the body of laws to be the two eyes of a king, he observes that the king's surest way of achieving success is to obtain correct information from spies.

The above extracts involve a number of principles evidently borrowed from the *Arthaśāstra* tradition. These are, firstly, that counsel is the best guarantee of a king's security : secondly, that the recruitment of officials is to be made conditional on their passing the traditional fourfold test and that while their selection should be based upon birth and character, want of family connexions should be regarded as a great disqualification : thirdly, that the qualifications of a minister comprise technical skill along with the qualities of intellect and character ; fourthly and lastly, that espionage is the surest road to a king's success.

PRINCIPLES OF GOVERNMENT

The principles of government are set forth by the author of the *Kural* in the groups of verses (541–70) bearing the titles of 'righteous sceptre', 'unrighteous rule', and 'tyranny'. Here the author repeatedly contrasts the rule of a good king with that of a bad ruler. Referring evidently to the first type of rulers, he observes that the office of the king is the safeguard of the subjects' existence as the rain is that of the world's existence, as well as the security for Brahmanical learning. By contrast the oppressive king is worse than a murderer, and the rapacious king is equal to a highwayman, while the wealth of a king who makes himself inaccessible and wears a fearful look is like that of a demon : the good king wins success, while the evil ruler loses his life and his fortune : under the rule of the former the land is blessed with seasonal rains and abundant crops, while the rule of the latter makes the heavens withhold rain, the cows produce less milk, and the Brāhmaṇas neglect their duties : the punishment of criminals is the king's duty and not his fault, and it is like the act of plucking the weeds among the crops. Some further ideas of the author on this point are reflected in the groups of verses (571–80 ; 591–630) concluding his section on kingship. These bear the titles 'Kindliness', 'Exertion', 'Unslothfulness' (Pope), 'Perseverance', and 'Courage'. In this connexion the author (578–9) commends a king who does his duty and yet is courteous, and he admonishes the king to put up with one doing him harm, and even to be kind to the offender. Again he promises (610) the reward of universal rule to the king of no sloth.

We may supplement the above by quoting a number of passages from the two great epics above mentioned. Explaining the moral of the story in the *Silappadikāram* a goddess observes (XXVIII 207f.) that the chastity of virtuous women would not be meritorious if the king did not rule properly, and again that the king would not live if his sceptre swerved from justice.

The same moral is conveyed to us in an extract (VII 5.8–12) of the *Manimekalai*, which has been thus translated into English verse:

'If the king did swerve from his righteous path,
The planets would all change their course;
If the planets errant turn,
Would dearth of rain surely ensue;
If dearth of rain there were,
Nothing on earth would then survive.
There would then be no room for saying,
That he who rules as king on earth
Should regard as his own the life of each living thing.'[6]

In the above extracts the authors emphasize a principle which is as old as the early Buddhist canon, namely, that of political justice or righteousness, and they support it as before by reference to the profound reaction of the king's attitude towards this principle upon man's physical environment and his consequent security and welfare. This lesson is accompanied by the familiar sanctions promising success to the good ruler and threatening the evil ruler with destruction. With the above the author of the *Kural* couples in the usual *Smṛiti* fashion his plea for the king's punishment of criminals. This is justified by the *Smṛiti* argument that punishment is a necessary condition for protection which is imposed upon the king by the law of his order.

POLICIES OF GOVERNMENT

The *Kural* contains three successive groups of verses (471–500) bearing the sub-titles, 'knowledge of (the enemy's) strength', 'knowledge of time', and 'knowledge of place'. Introducing the first series the author asks the king to bear in mind the five factors, namely, the strength needed for his task, his own strength, the strength of his enemy, and the strength of his ally. More generally he insists upon the factors of knowledge and determination. In this connexion he utters a warning (by the example of an axle breaking under the weight even of peacock-feathers) against rushing into action without forethought and in blind self-confidence. In the second series of verses the author impresses upon the king (by the example of a crow conquering the owl in day-time) the importance of awaiting the favourable time for striking down the enemy. In this context the author teaches the king (by the example of a fighting ram drawing back just before its attack and of a heron patiently waiting for its prey) the lesson of self-restraint. In the third and the last series of verses the author emphasizes the importance of selecting the favourable place for attacking the enemy, and he particularly refers to the advantage of possessing a fortress. This lesson is driven home by four similes, namely, that of a crocodile overpowering all in the deep waters but falling a prey to his foes on leaving the same, that of a lofty chariot being unable to sail over the seas, and that of a sea-going vessel failing to move on land, and lastly, that of an elephant killing armed men but being slain by a jackal on being stuck in mire. The above extracts

repeat the old *Arthaśāstra* canon relating to the application of the policy of attacking the enemy. This consists in the simultaneous estimate of the three factors, namely, those of the relative strength of the parties, of place, and of time, thus making the selection of the policy a complete military problem. We may notice in this connexion a number of references in the author's groups of verses (781–830) bearing the titles 'friendship', 'true friendship', 'old friendship', 'base alliance', and 'false alliance'. These extracts inculcate a number of general principles of morality such as the blessings of friendship, the necessity of discrimination in the choice of friends, and the distrust of friendly offers of enemies.

REFERENCES TO GEO-POLITICAL IDEAS

Under the caption 'the land' the author of the *Kural* describes in a series of verses (731–40) the characteristics of a good territory. These are said to comprise, positively, a virtuous and a tax-paying population, ample wealth, harmony between the ruler and the ruled; and negatively, freedom from famine, disease, and enemy's attacks, from disloyal associations, internal strife, and murderous chieftains. Summing up the above the author observes that the five ornaments of a kingdom are freedom from disease, wealth, fertility, happiness, and security. These passages repeat in a summary fashion the old *Arthaśāstra* ideas of the political, the economic, and the military requisites of a good territory.

CHAPTER FIFTEEN
NOTES

[1] On the problems connected with the date and authorship of the *Rāmāyaṇa vide* Winternitz, *History of Indian Literature*, vol. I, pp. 475-517.

[2] In the present chapter the abbreviations *G*, *NW* and *S* stand respectively for the Gauḍīya, the North-Western and the Southern recensions of the *Rāmāyaṇa*. Further, the *Rāmāyaṇa* is quoted after its Book, chapter and verse references and the *Pañchatantra* after its Book and verse references. The *Kurāl* is quoted in verse references after the two English versions of G. U. Pope and V. R. Ramachandra Dikshitar. (Full references are given in the list of original authorities for Chap. XIV at the end of this volume).

[3] For references to the status of the Fathers (*pitṛis*) after the Vedic ideas, *vide* P. V. Kane, *History of Dharmaśāstra*, vol. IV, pp. 345-6. On the whole subject of funeral offerings to the ancestors, *vide* ibid. section III.

[4] *History and Culture of the Indian People*, vol. II, pp. 294-302; for a different system of transliteration of the titles *vide A Comprehensive History of India*, vol. II, pp. 675f.

[5] The quotations from the *Puranānūru* and the *Śilappadikāram* are borrowed from the work *South Indian Polity* by T. V. Mahalingam, pp. 13n. and 98 respectively.

[6] The above translation is borrowed from *South Indian Polity*, p. 15. With this we may compare the passages in the *Puranānūru* (35 and 117) quoted in the recently published *Comprehensive History of India*, vol. II (p. 556) to the effect that 'the rain obeys the call of a righteous king while his subjects blame his government if the rain does not fall in time or water grows scarce or if any unnatural occurrences take place'.

CHAPTER XVI

HISTORICAL REFERENCES TO POLITICAL IDEAS—I PERIOD OF THE IMPERIAL MAURYAS AND THEIR IMMEDIATE SUCCESSORS

POLITICAL IDEAS AND CONCEPTIONS OF AŚOKA MAURYA

THE oldest historical references to our ancient political ideas provided by the irrefutable evidence of the contemporary inscriptions are those of Aśoka, the greatest of the Imperial Mauryas (*c.* 273–31 B.C.). We may classify these ideas under three heads, namely, authority of usage and of the king's edict, authority and obligation of the temporal ruler, and lastly, principles and policies of government.

1. AUTHORITY OF USAGE AND OF THE KING'S EDICT. Inculcating upon his subjects the observance of a simple code of ethics or *dharma* (of which we shall speak later), Aśoka observes, 'This is the ancient tradition (*porānā pakiti*) and a thing of long standing (*dīghāvuse*), and thus it should be practised.' In the second place Aśoka mentions the twofold means by which he has sought to secure the promotion of piety among his subjects, namely, the regulation of *dharma* (*dhaṁmaniyama*) and persuasion (*nijhati*), the first head comprising his prohibition of festive gatherings of a disreputable type, his grant of three days' respite to criminals condemned to death, his regulations for restricting the slaughter of animals and his order for expulsion of schismatic monks and nuns from the Buddhist order.[1] The first extract recalls the *Smṛiti-Arthaśāstra* principle of the authority of ancient usage as a source of law. The second group of extracts involves the application of a principle going back to Kauṭilya's *Arthaśāstra*, namely that the king's executive edict has the force of law.

2. AUTHORITY AND OBLIGATION OF THE TEMPORAL RULER. Aśoka in his inscriptions repeatedly applies to himself the epithet 'Beloved of the Gods' (*devānaṁ piya*) and his example was followed by his grandson Daśaratha. The significance of this title consists in the fact that by claiming divine favour for the king it involves in its mildest form a doctrine which was destined to be fully developed by Manu and by Bhīshma in the *Mahābhārata*. This is the doctrine of the king's divine creation with the consequence of his endowment with superhuman personality in varying degrees.[2] In the second place Aśoka, while justifying his objective of promoting universal happiness, observes that he is exerting himself in order that he may discharge his debt to all living beings and make them happy in this world and enable them to win heaven hereafter. The above passage involves the principle of the ruler's moral obligation to ensure the complete and universal happiness of his subjects. This places the traditional principle

of the ruler's obligation towards the ruled on a higher moral plane than in the *Smṛitis*.

3. PRINCIPLES AND POLICIES OF GOVERNMENT. Aśoka's view of the distinctive tendencies and characteristics of his government may be traced from a few passages in his inscriptions. Let us begin with his conception of his relations with his subjects. Referring to one of his major administrative reforms, namely, the investiture of the *Rajjukas* (a class of officers) with high executive and judicial functions, Aśoka observes that just as a person after making over his offspring to an expert nurse feels confident of their being brought up comfortably, so has he appointed those officers for the good and happiness of the country-people. This idea is expressed more clearly and emphatically in other extracts conveying the Emperor's instructions to his officers for the government of the newly conquered kingdom of Kaliñga. All men, he says here, are his offspring, and just as he wishes in the case of his offspring that they should be connected with all good and happiness in this world and the next, so he desires in the case of all men. In the same context he conveys his assurance to the unconquered borderers that he is just to them as their father, and they are just to him as his offspring, and that he feels compassion for them just as for his own dear ones. As regards the aims of his government and their reaction upon himself Aśoka says elsewhere 'I am never satisfied with (my) exertion or with (my) despatch of business: for the welfare of the whole world is an esteemed duty with me: and the root of that again is this, namely, exertion and despatch of business: there is no higher duty than the welfare of the whole world.' In the same spirit Aśoka elsewhere wishes all living beings non-injury, self-control, the practice of serenity and mildness, while he explicitly announces one of his edicts to have been written for the welfare and happiness of the world.[3] The above passages involve in the first place the development of the principles of government after the ethical notions of the early Buddhist canonists. This consists in the extension of the conception of the king's paternal relationship with his subjects in terms of universal humanity, as well as of that of the ruler's objective of their security in terms of their complete universal welfare. In the second place the above passages involve the application towards the end of universal welfare, of the old *Arthaśāstra* concept of exertion as the essential requisite of the king's successful government.

As regards Aśoka's policies of government we may refer firstly to the passages in his inscriptions where he repeatedly inculcates upon his subjects by precept and example the observance of his simple code of ethics called *dhamma*. The list is summed up in one place as comprising the virtues of non-slaughter of living beings, non-injury towards living creatures, seemly behaviour towards relatives, Brāhmaṇas and recluses, obedience towards parents and elders, and so forth. The origin of this remarkable code of morals has been traced to a few Pali canonical texts, especially the *Siṅgālovāda Suttanta*.[4] The above passage, therefore, involves the application of a few

ethical principles of the Buddhist canon to the policy of the king's government.

Reference may be made in the next place to an extract indicating Aśoka's attitude towards war and conquest under the influence of his passionate remorse for the wholesale slaughter caused by his war for the conquest of Kaliñga. The 'chiefest conquest', he says, is conquest by righteousness (*dhaṁmavijaya*). This type of conquest, he explains, is justified by its consequence in producing all-sided joy, and still more, happiness in the next world. In the concluding lines of the above record Aśoka, while abjuring his descendants to shun all new conquests, enjoins them to practise forbearance and light punishment in a conquest which is possible only by force of arms, and he commends conquest by righteousness (*dhamma*) as productive of good in this world and the next. With the above we may compare the early Buddhist canonical concept of the World-ruler (*Chakkavattī*), who is said to have conquered the earth not by inflicting any punishment, nor by using any weapon, but by means of *dhamma*. What distinguishes Aśoka's thought is his pointed contrast between conquest by arms and by righteousness. The former is rejected by him except as an evil necessity to be tempered with mercy and forbearance, while the latter is recommended as involving the temporal as well as the spiritual welfare of the people. This is justified by the fact that Aśoka's scheme of *dharma* embraced a programme for the material as well as moral welfare of the people.[5]

POLITICAL IDEAS OF RULERS IN THE POST-MAURYA PERIOD

Compared with the wealth of material available in the inscriptions of Aśoka, the records of his successors, both indigenous and foreign, are singularly imperfect in their references to political ideas. We may classify these last under two heads, namely, authority of the temporal ruler, and principles as well as policies of government.

1. AUTHORITY OF THE TEMPORAL RULER. Unlike Aśoka who assumed the distinctive title of 'Beloved of the Gods', the Śuñga (or Baimbika) kings of Northern India and the Sātavāhana rulers of Western India chose to call themselves by the simple title of king, the more ambitious titles of great king (*mahārāja*) and king of kings (*rājarāja*) being applied only to the greatest king of the latter dynasty, Gautamīputra Śātakarṇi. In Eastern India Khāravela, the greatest king of the Cheta dynasty of Kaliñga, is acclaimed in his own record, the celebrated Hātigumphā cave inscription, simply as the lord of security (*khemarājā*) and of bounty (*vaḍharājā*) and as king of justice (*dhamarājā*). It would appear from the above that so far as their royal titles are concerned the Śuñgas and the Śātavāhanas as well as the greatest ruler of the Cheta dynasty discarded even the idea of the king's authority through divine support which was adopted implicitly by their great Maurya predecessor.

A unique basis of political authority unlike what is reflected in the *Arthaśāstra-Smṛiti* tradition is revealed to us in the records of a few kings and

republican States of this period. Several kings of the Ikshvāku dynasty of Eastern India announced themselves as 'one who was accepted by Mahāsena (Kārttikeya), the lord of Virūpāksha'. A king called Vṛishadhvaja Gautamīputra announced his kingdom to have been dedicated to the great lord Mahāsenāpati (Kārttikeya). Similarly the republican communities of the Kuṇindas and the Yaudheyas, as we learn from their coins, appear to have dedicated their States to the gods Śiva and Kārttikeya respectively.[6] The above references seem to involve the conception of a theocratic State ruled by a deity with the human ruler functioning as his vice-gerent.

The conceptions of kingly authority among some rulers belonging to the foreign dynasties of this period are in marked contrast with those of the indigenous rulers. Imitating the example of the Seleucid rulers of Western Asia the Indo-Greek kings Antimachus and Agathocles styled themselves *theothropos* ('son of god'). Another Indo-Greek king Euthydemos was posthumously called *theos* (god). The Kushān Emperors of the line of Kaṇishka are figured on their coins apparently after the contemporary Parthian kings of Iran as having a nimbus around their heads and as descending from clouds and surrounded by flames. These passages evidently involve the importation into the Indian soil of the crude ideas of the king's divinity in Hellenised Western Asia, which in contrast with the conceptions of the Brāhmaṇa canonists are unrelated to the principle of the ruler's reciprocal obligation towards the ruled.[7]

2. PRINCIPLES AND POLICIES OF GOVERNMENT. The references to the principles and policies of government in the records of some principal rulers of this period are of varying interest. In the far South we have the examples of two kings, a Pallava king of Kāñchi and a Kadamba king of Vaijayantī (Vanavāsī) who assumed the significant title of *dhammamahārājādhirāja* ('king of kings of the law'). In Eastern India Khāravela, king of Kaliṅga, claimed to have carried out in successive years of his reign such beneficent works as the restoration of the city of Kaliṅga, the entertainment of the inhabitants of his capital-city with various exhibitions, and the remissions of taxes and duties. Of Gautamīputra Śātakarṇi, the greatest king of the Śātavāhana dynasty, we have a highly eulogistic picture in the most important inscription of this dynasty. He was, we are told, a model hero rivalling the activities of the greatest kings known to history and legend : he granted the boon of fearlessness to others, he refrained from hurting the life even of an offending enemy, he identified himself with the joys and sorrows of his subjects, he levied and spent taxes justly, and he stopped the contamination of the four castes. With the above we may compare the equally panegyrical account of Rudradāman, the greatest ruler of the Indianised Śaka dynasty of Western Satraps, that has been preserved in his contemporary record. His name, we are told, was repeated by the venerable (a phrase which according to Sylvain Lévi means that for them it was like another Veda demanding assiduous study and devout veneration and yielding the most precious fruit) : gifted with a beautiful physical frame and auspicious bodily

marks he acquired complete mastery over the whole Indian lore of the humanities as well as military sciences: all castes (*varṇas*) looked to him for protection and sought him as their lord: he adhered to his vow of not taking life except in battle, and he reinstated deposed kings: he earned the strong attachment of *dharma* by rightly raising his hand (in the act of dispensing justice): he daily bestowed presents and honours: he filled his treasury by lawful collection of the recognised sources of revenue: his kingdom was free from human and providential visitations: he met the heavy cost of repairing the embankment of Sudarśana lake without burdening the people with taxes, forced labour and benevolences so that he might win the merit of protection of cows and Brāhmaṇas and increase his own fame and spiritual merit.[8]

In the above the first extract involves the application, in reference to two particular rulers, of the well-known *Smṛiti* principle of the king's obligation to maintain the law. The other extracts involve more or less the application of the principles and policies of government after the best traditional standards in reference to the three outstanding rulers of their respective dynasties. The singular prominence given to the principle of non-injury to creatures in the last two accounts may be taken to be an index of the advance of this characteristically Buddhist and Jaina doctrine in relation to the affairs of government in the early centuries of the Christian era.[9]

SUMMARY OF THE PERIOD

The first important political principle of the period extending roughly from the fourth century B.C. down to the third century A.D. is concerned with the theory of evolution of the world and of man and his institutions. The Buddhist canonists of this period, reproducing the ideas of the older canon, mention an original State of Nature with god-like beings living in a condition of perfect innocence and happiness, and their subsequent transformation into humans because of their falling into sin, and finally, the creation for the same reason of the institutions of property, the State and society by the processes of Social Contract, Governmental Compact and division of labour respectively.

The second important political principle of this period is concerned with the development of the old *Smṛiti* concept of the law of the social order (*dharma*) as well as that of State law and justice. The sources of *dharma* are found by Manu and Yājñavalkya not only (as in the older *Smṛitis*) in the *Veda*, the *Smṛiti* and custom, but also in individual conscience, Manu adding to the above the doctrine of infallibility of the *Vedas* and the *Smṛitis*. Along with the above more or less dogmatic interpretation of *dharma* Manu sets forth rational principles based upon the early *Smṛiti* pattern, namely, that of different standards of *dharma* for the successive Age-cycles (*yuga-dharma*) evidently by way of adjustment to man's growing decline, that of the opinion of the Council of the learned as the criterion of *dharma*, and that of invalidation of *dharma* because of its conflict with the current

moral standards and public sentiment. A reminiscence of Manu's doctrine of *yugadharma* is found in a *Rāmāyaṇa* extract which mentions how the growing increase of sin in the successive Time-cycles is accompanied by increasing laxity of the social order. In the branch of State law Kauṭilya, the great master of the technical science of polity, adds the two items of current (*Arthaśāstra* ?) law and reasoning to its two older sources, namely, the canon and custom. He, moreover, introduces two other principles of fundamental importance, one investing the king's executive edict (evidently within the limits imposed by the *Smṛiti* scheme of *dharma* and of State law) with the force of law, and the other giving the king's judicial decree overriding authority over all other modes of judicial decision. The views of the Brahmanical canonists reflect the influence of their twofold inheritance. For while Manu, repeating the old *Smṛiti* view, bases the State law upon the principles of the canon and of regional usage, Yājñavalkya reflecting the *Arthaśāstra* tradition finds for it a twofold source, namely, *Dharmaśāstra* and *Arthaśāstra*. Manu and Yājñavalkya, again, agreeing with Kauṭilya assign to the king's executive edict the force of law within the *Smṛiti* limits above mentioned.

The third important political principle of this period is connected with the relation of Politics to Ethics. In the story of Bhīshma's discourse in the *Mahābhārata* the Brāhmaṇa canonist, eulogising the concept of Politics (*rājadharma*), declares it in effect to be the most perfect of all branches of Ethics on the ground that the king sets the standard of virtuous behaviour, although elsewhere he holds Politics to be morally self-condemned because of the cruelties inseparable from its application. By contrast the Buddhist authorities of this period uphold the old canonical principle of antagonism between Politics and Ethics, a principle which is based by the author of the *Buddhacharita* upon the conception of incompatibility of their essential principles, namely, security founded upon punishment in the one case and quietude in the other. The principle of the essential antagonism between Politics and Ethics likewise is authoritatively set forth in the *Rāmāyaṇa*.

The discussion of the relation of statecraft to morality in the two great works of this period representing respectively the technical *Arthaśāstra* and the Brahmanical canon may be taken further to illustrate the author's view of the relation of Politics to Ethics. Kauṭilya, while in some ways upholding against the early *Arthaśāstra* masters the application of strictly ethical principles to statecraft, allows himself in other and more important directions to sacrifice morality for political ends in the interest of the ruling king and his dynasty. Equally complex is the attitude of Bhīshma, who while in some places declaring righteousness to be the essence of kingship and upholding its application by the king at home and abroad, elsewhere introduces a new standard of statecraft based upon expediency. This is supported by such radical principles as that the king's conduct based upon the law of his order is independent of the conventional moral standards, that violence is the law of life and that the State is above and beyond

morality. Reference may be made in this connexion to an interesting discussion in the opening chapters of *Mahābhārata* (Book XII) where Yudhishṭhira stands for the unqualified subordination of statecraft to morality, while his brothers and associates plead for an equally pronounced divorce of the one from the other, this last being based upon their development of the concept of distinctive law of the Kshatriya order to its furthest limit. Lastly, the author of the *Pañchatantra*, speaking through one of his characters, justifies the separation of statecraft from morality by a number of principles after the *Arthaśāstra* pattern. These principles are comprised in the statements that the need of self-interest overrides the injunctions of ethics, that the individual is greater than the whole, that the interest of the king overrides the offender's claim to his affection and respect, and that statecraft is founded essentially upon cruelty while it elevates private vices to the rank of public virtues.

The fourth great political principle of this period relates to the old *Smṛiti* conception of the mutual relations of the temporal ruler and his subjects. Manu derives the king's authority from his triple conception of Divine creation of the ruler, the quasi-divine significance of the king's office, and the supreme importance of the king's functions which in their quality are sufficient to leave their stamp upon the epoch and in their quantity are comparable to those of multiple deities. In the parallel version of Bhīshma in the *Mahābhārata* the king's authority is based in the first instance upon the doctrine of his Divine creation supplemented, however illogically, by an unilateral Government Compact between the people and their original ruler, or else upon the doctrine of Divine ordination of the ruler in successive stages culminating in the entrance of the great God Vishṇu into his personality. To the above the author adds three other principles, namely, the concept of the king's office as the safeguard of individual security as well as the security of the institutions of family, property and society, the idea of the king's equivalence to the gods by parity of functions, and the notion of the king as the maker of his epoch through the degree of his application of the science of polity. As a set-off to the above, Manu and Bhīshma repeat the early *Smṛiti* conception of the king's obligation towards his subjects in its threefold aspect, namely, the divine, the ethico-religious, and the quasi-contractual, with a special emphasis upon the one first named. This is accompanied by the development of the old *Smṛiti* theory of sanctions relating to the king's obligation of protection. For both Manu and Bhīshma complete the application of the law of *karma* to the concept of the king's obligation by promising him rewards and penalties as well as a share of the good and the evil *karma* of his subjects according to his reaction towards this fundamental principle. The influence of the ideas of Manu and Bhīshma is reflected in varying degrees in the thought of the contemporary Buddhist canonists and the literary masters as well as the historical rulers. The *Suvarṇaprabhāsa-Sūtra* derives the king's authority from his creation out of the particles of thirty-three gods—an evident Buddhist adaptation of

Manu's well-known theory of the king's origin. The *Rāmāyaṇa* mentions the doctrine of the king's authority based upon his office and his functions, and its corollary in the shape of the subjects' obligation to respect the person and authority of their ruler. Nevertheless it condemns by implication the extreme development of this doctrine implying the unlimited obligation of the subjects to honour their ruler, and his complete immunity from punishment at the hands of his subjects. Along with the above the *Rāmāyaṇa* mentions, likewise after Manu and Bhīshma, the king's obligation towards his subjects in its threefold aspect as well as its double sanction based upon the law of *karma*. Among other literary masters of this period the author of the *Pañchatantra* emphasizes in one place the principle of the ruler's personal qualifications as the basis of his authority, while the dramatist Bhāsa refers after the original *Rāmāyaṇa* story to the high significance of the king's office as the safeguard of individual and collective security. The last principle is repeated by the authors of the *Kural* and the *Silappadikāram* epic. Among historical rulers Aśoka uses a royal title implying divine protection for himself, while he sets forth the principle of his moral obligation to promote the complete and universal happiness of his subjects.

An important political principle of this period is concerned with the development of the old *Arthaśāstra* theory of the coercive authority (*daṇḍa*) of the ruler. Kauṭilya, while emphasizing the function of *daṇḍa* as fulfilling the needs of man's worldly existence as well as of his higher life symbolised by the Vedas and Philosophy, distinguishes carefully between the consequences of its mild, its just, and its severe application in relation to political authority, while he further compares the respective consequences of its lawful as well as its unlawful (or vicious) application and its non-application in relation to the people. Repeating and supplementing the above ideas Manu refers to the function of *daṇḍa* as the king's divine instrument for the protection of his subjects, its role as the foremost political principle ensuring complete security of the individual as well as stability of the social order, its basis in the general characteristics of human nature making fear the grand motive force for the fulfilment of individual obligations, the respective consequences of its well and ill directed as well as spasmodic application in relation to the people, the king's requisites for its successful application, and its unlimited application irrespectively of the offender's rank or status. The above ideas are repeated more or less in the didactic extracts of the *Mahābhārata*.

Another political principle of this period relates to the development of the old *Arthaśāstra* theories of government. Differing from some of the earlier masters Kauṭilya holds the king to be the key to the working of the State administrative machinery, while he describes for the first time an integrated scheme of the prince's training providing for the simultaneous development of his intellect and character. Kauṭilya, again, while justifying the appointment of officials by the complexity of governmental functions,

deals critically with the old *Arthaśāstra* ideas of recruitment and selection of the officials as well as those relating to the technique of the king's consultation with his ministers. His rules relating to the organisation of the civil and the military administration are based on such principles as the political danger of disaffection of the innermost circle of the king's ministers, the tendency of power to breed corruption and the liability of a unified military command to succumb to the enemy's intrigues. The intellectual and moral qualities of the ruler, the qualifications of various classes of the king's officials, the technique of the king's consultation with his ministers and the principles of administrative organisation are dealt with by Manu and Bhīshma generally, but not exclusively, after Kauṭilya's pattern. The same pattern is followed by the Buddhist writers as well as the authors of the Sanskrit and Tamil classical literature in their discussion of some or all of the above topics.

The most considerable group of political ideas of this period is concerned with the principles and policies of government. Kauṭilya, while inculcating upon the ruler the qualities of exertion, dutifulness and impartiality, lays down the principle of the ruler's complete identification with his subjects, and advocates his paternal rule over them in its twofold aspect, namely, the beneficent and the authoritarian. A remarkable feature of Manu's and Yājñavalkya's and still more of Bhīshma's thought is the inculcation on the ground of exigencies of the administration, of composite (and even contradictory) principles of government upon the king. Bhīshma advances his plea for the application of violence in the interest of the State as well as of public morality, while he simultaneously pleads for political righteousness on the ground that this is the essence of the king's office as well as the divine purpose of his creation. While the king's observance of righteousness, he further argues, is the foundation of individual security and happiness, its neglect results in the reverse consequences arising from disturbance of the vital laws of nature affecting the physical well-being of man. The Buddhist canonical and non-canonical writers explain the high significance of political righteousness after the old canonical pattern. Righteousness, according to them, is the king's best policy, while it imposes upon him the qualifications of impartial justice, protection of the good and promotion of the happiness of all creatures. The king's attitude towards righteousness, it is further urged, is the key to the weal and woe of the people through its repercussion upon the physical phenomena governing man's existence. Righteousness, adds the author of the *Suvarṇaprabhāsa-Sūtra*, is the divine purpose of the king's creation. Similar ideas are expressed by the author of the *Kural*. Developing the early Buddhist concept of the righteous king, Emperor Aśoka sets forth the principle of his paternal relationship with universal humanity along with his objective of promoting the complete welfare of the people. Among minor principles of government inculcated by the different authorities more or less after the *Arthaśāstra* pattern are the conception of the strength of counsel as the greatest of all powers of

the king, that of the superiority of diplomacy to force in statecraft and that of exertion as an essential requisite of the king's government.

The lines of Kauṭilya's State-policy range over a very wide field. Among them may be mentioned the policy of ensuring the internal and external security of a kingdom through a king's exploitation of popular superstitions and more generally his application of mob-psychology to Politics, that of protection of the public against the dishonest practices of traders and craftsmen by means of special regulations administered by a distinct official staff, that of State-relief of the people against all kinds of providential calamities in the spirit of paternal rule, that of detection of anti-social elements by the unscrupulous use of espionage and that of suppression of public enemies by the equally unscrupulous use of force and diplomacy. Mention may also be made of Kauṭilya's scheme of State-planned colonization involving in the case of the rural area a provision for the military and economic needs of the State as well as a comprehensive programme for the economic development of its cultivable portions, and in the case of the capital city its equipment with the needs of a highly centralised administration as well as an advanced industrial and commercial civilisation. Equally important is Kauṭilya's policy of inter-State relations based firstly on the conception of an all-out attainment of Power and Success by a king as his general objective, and secondly, on his selection of the types of foreign policy in accordance with the principle of expediency, and more particularly, the objective of Progress. This last is explained to mean a king's double programme of developing the military and economic resources of his kingdom and strengthening his military and political position in relation to the enemy. The selection of the policy of marching against an enemy is discussed by Kauṭilya in the light of his estimate of three military factors (namely, relative strength of the parties, as well as place and time), and in particular that of the intellectual, the moral and the material elements of a king's strength. The relative advantages of sub-types of treaties are likewise discussed by the author on the basis of the tests of good allies, lands, forests, mines and trade-routes. Mention may be made, finally, of Kauṭilya's dynamic conception of the goal of inter-State relations which contemplates a king's progressive advance from Decline to Equilibrium and thence to Progress, his rise to the position of a universal ruler with the whole of the Indian subcontinent as the sphere of his influence, and his acquisition of dominion over his neighbours by a well thought out policy of treachery and violence.

The discussions of governmental policies by Manu and by Bhīshma in the *Mahābhārata* follow on the whole the *Arthaśāstra* pattern. Manu advocates a policy of suppression of anti-social elements in the State by the use of force and unscrupulous diplomacy, while he mentions the principle of expediency as the criterion of selection of the types of foreign policy. Bhīshma repeats the extreme *Arthaśāstra* idea of a total war accompanied with the use of unscrupulous diplomacy and calculated treachery as well as heartless cruelty against the enemy outside. In so far as a weak king's

relations with his powerful aggressor are concerned, Bhīshma mentions side by side the different lines of policy (ranging from complete surrender to war for victory or for death) that were advocated by the *Arthaśāstra* masters. The most original aspect of Bhīshma's thought is concerned with his discussion of the moral issues of State-policy specially in an emergency. This leads him to add the standards of reasoning and expediency to the older *Smṛiti* standards of law, namely the sacred canon and convention, and what is more, to justify the second of these standards on the lines of advanced rationalism. Some further developments of Bhīshma's justifying principles are found in the minor didactic extracts of the *Mahābhārata* where the speakers distinguish with remarkable clarification the characteristics of the temporal ruler following from his distinctive duty in accordance with the law of his order. These comprise the combination of hypocrisy and cruelty in his nature, his aim of self-aggrandisement in disregard of morality, his policy of an all-out war against the enemy, and his will to fight for victory or for death.

The treatment of the principles and policies of government by the other authorities of this period calls for a slighter notice. The author of the Buddhist canonical work called the *Mahāvastu* gives a variant of the well-known *Arthaśāstra* category of three powers of a king, which consists of five powers with the strength of wisdom taking the first place in the list. The author of the *Pañchatantra* deals with the policy of inter-State relations more or less after the *Arthaśāstra* pattern. His discussions relate to the folly and danger of a policy of force in contrast with the advantages of a policy of conciliation, the danger of trusting the enemy, the application of a number of policies (submission or flight, opportunism, treaty of alliance, war and deception) by a king towards his enemy, and lastly, the risk of neglecting a rising enemy. The Tamil author of the *Kural* inculcates evidently after the *Arthaśāstra* pattern the consideration of the three factors of relative strength, place and time upon a king in the act of attacking his enemy. Applying the early Buddhist conception of the world-ruler, Emperor Aśoka distinguishes between two types of conquest, namely, conquest by arms and by righteousness, the former being regarded as a necessary evil to be tempered with mercy and forbearance, while the latter is held up for example to later generations of kings.

The last political principle with which we have to deal in this context is connected with the theories of mutual relations of the temporal and the spiritual powers as well as those of the immunities and privileges of the Brāhmaṇas. Applying the Vedic dogma of Divine creation of the social order Manu declares the Brāhmaṇa in general terms to be the universal lord as well as the universal owner by virtue of his superior and prior birth and his divinely ordained function of teaching the *Vedas*. The immunities and privileges of the Brāhmaṇas are derived by the same author from old and new principles. These relate to the doctrine of the Brāhmaṇa's universal lordship just mentioned, that of the Śūdra's divinely ordained obligation

of serving the Brāhmaṇa, that of the single spiritual power of which the temporal one is a derivative, that of the superiority of the Brāhmaṇa's distinctive weapons to those of the other classes, that of the Brāhmaṇa's divinity, irrespectively of his learning, character and so forth. The above principles are repeated more or less by Bhīshma in support of his theories of Brahmanical immunities and privileges.

CHAPTER SIXTEEN

NOTES

[1] Aśoka's Minor Rock Edict no. 2 (reference to tradition), Pillar Edict VII (*dhaṁma-niyama* and *nijhati*), Rock Edict I (disreputable gatherings), Rock Edict IV (three days' respite), Pillar Edict V (restrictions on animal-slaughter), Kauśāmbī Pillar Edict (schismatic monks and nuns).

[2] The significance of the term *devānaṁ piya* (Skt. *devānām priya*) in the Aśokan inscriptions and later works has been fully discussed by Dr B. M. Barua (*Inscriptions of Aśoka*, part II, pp. 219-20). The Aśokan phrase, Barua suggests, derived its significance from the Vedic ceremony of the king's consecration, and it primarily signified as such that kings were supremely favoured by the gods and secondarily that they were protected by the gods. The later derogatory sense of *devānām priya* in the sense of 'a fool' is not due, as Dr Radha Kumud Mookerjee thinks, to Brahmanical prejudice against Aśoka (Barua, loc. cit). It was probably derived from the philosophical teaching of Śankarāchārya who explained a text (I 4.10) of *Bṛihadāraṇyaka Upanishad* in such a way as to depreciate the performance of sacrifices for pleasing the gods in comparison with the acquisition of knowledge (Gajendragadkar, ed. *Harshacharita*, Chapter I, Notes, pp. 55-6).

[3] Pillar Edict V (reference to *rajjukas*), Kaliṅga Rock Edicts I and II (government of Kaliṅga), Rock Edict VI (aims of government), Rock Edict XIII (non-injury, etc., to creatures), Pillar Edict VII (welfare, etc., of the whole world).

[4] Rock Edict VI (*dhamma*), *Dīgha Nikāya*, P.T.S. ed., vol. III, pp. 191-3 (*Siṅgālovāda-suttanta*).

[5] Rock Edict XIII (*dhammavijaya*). The view (V. R. R. Dikshitar, *Mauryan Polity*, pp. 128-9, followed by K. V. Rangaswami Aiyangar, *Rājadharma*, pp. 140-41) that *dharmavijaya* in Aśoka's edicts has the same sense as in Kauṭilya's text is clearly erroneous. The former connotes a purely moral conquest, while the latter still involves conquest by force of arms followed by political submission of the conquered prince.

[6] *E. I.* XX 16 (Ikshvāku kings). *A.R.A.S.I.* 1911-12, Bhita seal no. 25 in Marshall's List (Vṛishadhvaja Gautamīputra). Allan, *Catalogue of Coins of Ancient India in the British Museum*, pp. 167-8 and CXLIX (Kuṇindas and Yaudheyas).

[7] It is generally held (D. R. Bhandarkar, *Some Aspects* . . . p. 162, cf. A. S. Altekar, *State and Government* . . . p. 85) that the Kushān emperors assumed the title *devaputra* after the Chinese imperial title 'Son of Heaven'. But Dr F. W. Thomas (*B. C. Law Vol. II*, pp. 305-20) has recently shown that *devaputra* was never adopted by the Kushāns as an official title, but was instead a complementary epithet current among their Indian subjects which meant a class of minor deities with distinctive functions.

[8] Lüders' List of Brāhmī inscriptions, nos. 1196 and 1200 (*dhammamahārājādhirāja*): *E. I.* XX 72f. (Khāravela); *E. I.* VIII 60f. (Gautamīputra Śātakarṇi): *E. I.* VIII 36f. (Rudradāman). The translations of *dharmamahārājādhirāja* as 'the rightful supreme king of great kings' (Lüders) and 'the Righteous king of kings' (H. C. Raychaudhuri, *Political History of Ancient India*, 5th edition, p. 516n.) appear to us in the present context to be less satisfactory than 'king of kings of the law' given above.

[9] W. W. Tarn (*The Greeks in Bactria and India*, p. 263) ingeniously concludes from a study of Menander's coins that he claimed to be a *Chakravarttī*, the universal ruler in possession of the wheel of victory whose rule was based not upon physical, but upon moral conquest. But the arguments in favour of this view are quite unconvincing.

PART FIVE

THE ANCIENT PERIOD

(D) THE PERIOD OF THE IMPERIAL GUPTAS AND THEIR SUCCESSORS

(*c.* A.D. 300—800)

CHAPTER XVII

(A) THE BRAHMANICAL WORKS ON SACRED LAW

III—THE LATE METRICAL *SMṚITIS*[1]

INTRODUCTORY

In contrast with the complete works of Manu and Yājñavalkya treated by us in the preceding chapter, all the *Smṛiti* works, with which we have to deal here, with one or two notable exceptions (such as Nārada), have not come down to us in their entirety. On the contrary they have been preserved for us in the form of quotations by the later writers, which have been pieced together by the diligence of modern scholars. A more important characteristic of these late metrical *Smṛitis* is that they occupy themselves predominantly, or even exclusively, with the development of the branch of law and justice (*vyavahāra*). This is specially the case with the works of Nārada, Bṛihaspati and Kātyāyana, who form as has been well said, 'a triumvirate in the realm of ancient Hindu law and procedure.' The development of the branch of political ideas by these authors on the other hand is relatively of minor significance.[2]

IDEAS OF LAW OF THE SOCIAL ORDER

The older *Smṛiti* ideas relating to the authority and sources of *dharma* are repeated and clarified at some points by our authors. Giving his list of the sources of *dharma* in the words of Manu (II 6), Vyāsa (quoted in *Smṛitichandrikā* I, p. 6) observes that they consist of the *Veda*, the traditions and practices of those versed in the same, the customs of good men and self-satisfaction. What is known from the *Veda*, Vyāsa adds, is the highest *dharma* and that found in the *Purāṇas* is of inferior authority, while whatever else is called *dharma* leads one into error. One should, he says elsewhere (ibid. p. 11), assiduously perform acts that were recommended of old by sages best versed in the *Veda*, and should avoid all acts forbidden by them. The *Vedas*, the *Smṛitis* and the canonical texts inculcating virtue (*dharma*) and wealth (*artha*), observes Yama (quoted in *Smṛitichandrikā* I, p. 8), are authorities (for *dharma*), while the text of that which has no (Vedic) authority is not authoritative. The twice-born classes, according to Yama, are purified by *Dharmaśāstras*, just as earthenware even after a hundred years of neglect is purified by being burnt again in the fire, while according to Hārīta the lamp of *Dharmaśāstra* is a path-finder to those blinded by the darkness of ignorance and misled by evil outlook (quotations in *Kṛitya-ratnākara*, p. 39). In the above extracts the authors, developing an old *Smṛiti* principle, arrange the canonical sources of *dharma* in an order of

descending authority with the *Vedas* along with the *Smṛitis* taking the higher and the *Purāṇas* the inferior place, while they emphatically deny the authority of non-Vedic canonical texts. A new development may be traced in the thought of Parāśara. Constantly at the end and at the beginning of the successive creation-periods, he says (I 20–21), the gods Brahmā, Vishṇu and Śiva become declarers (*nirṇetāraḥ*) of the *Veda* (*Śruti*), the *Smṛiti*, and good custom. No one, he further observes, ever created the *Vedas*, but on the contrary the *Veda* was remembered by Brahmā as the *Smṛiti* was remembered by Manu at each successive creation-period (*kāla*) The *Veda* and the *Smṛitis*, we are again told, remain unchanged by the processes of periodical dissolution and creation of the universe, since they are proclaimed afresh by gods and sages at each successive creation-period. These passages evidently seek to reconcile the old *Smṛiti* doctrine of eternity of the canon with the Purāṇic and later *Smṛiti* theory of recurrent evolution of the world.

While thus amplifying the old *Smṛiti* concept of *dharma* in its dogmatic aspect, our authors develop its rational aspect along three principal lines. The first important development is in respect of the old *Smṛiti* principle of the relativity of *dharma*. Bṛihaspati (II 4 & 14) and Parāśara (I 22–4) not only repeat Manu's dictum (I 85–6) making austerities, knowledge, sacrifice and gifts the duty (*dharma*) for the *Kṛita*, *Tretā*, *Dvāpara*, and *Kali* Ages respectively, but they also quote different canonical authorities, namely, Manu, Gautama, Śaṅkha-Likhita and Parāśara for the successive Age-cycles. *Dharma*, says Bṛihaspati in another passage (II 5–8), is earned in one year in *Kṛita*, in three seasons in *Tretā*, in three fortnights in *Dvāpara* and in one day in *Kali* : there is neither good conduct nor pure livelihood, nor pure thought in the *Kali* Age, and therefore truth alone confers benefit on men : *dharma* was entire in the *Kṛita* Age, in *Tretā* it was fixed at three-fourths while one-fourth of sin entered into it because of the rise of jealousy and hatred (among men) : *dharma* and its opposite stood in equal proportions in the *Dvāpara* Age, while in the *Kali* Age sin stood in the proportion of three-fourths and *dharma* in that of one-fourth. While all *dharmas* exist in the *Kṛita* Age, says Parāśara (I 16), they are lost in the *Kali* Age : the lives of creatures depend upon the bone in the *Kṛita*, upon flesh in the *Tretā*, upon blood in the *Dvāpara* and upon food in the *Kali* Age. In the above extracts the authors developing Manu's doctrine of the distinctive duties for the time-cycles '(*yugadharma*) lay down three important principles. These are, firstly, the principle of different canonical authorities as well as standards of *dharma* for the successive time-cycles, secondly, that of proportionate decline in the quantum of *dharma* accompanied by an equally proportionate increase in the facility of its acquisition during those cycles, and thirdly, that of the physical and moral decay of men in those cycles as furnishing the key to this twofold proportionate change. The last principle involves an application of the old *Smṛiti* concept of adjustment of law to the varying capacities of men.

The second important development deserving our notice in the present context may be traced in respect of the old *Smṛiti* concept of the function of public opinion in shaping the law. What act on being done, says Viśvāmitra (quoted in *Kṛityaratnākara*, p. 7) is approved by the Aryans versed in the canon (*āgama*) is law (*dharma*), and what they blame is held to be its opposite. This involves the important principle that the approval of enlightened men is in the final analysis the criterion of law.

The third and the last development of our authors' thought in the present connexion is concerned with a principle which likewise may be traced back to the early *Smṛitis*, namely, that of invalidation of ancient authoritative practices by the efflux of time. One should not, says a text of Śaṅkha-Likhita (quoted in *Kṛityaratnākara*, p. 34), observe ancient practices, since the sense-organs of the ancients were filled with 'lustre' (*tejomaya*), and therefore they could not be tainted with sin just as lotus leaves are not tainted by (contact with) water. Like the parallel texts of Gautama and Āpastamba quoted in a previous chapter (III), the above passage justifies the rejection of palpably immoral ancient practices by the transparent fiction of the superior stamina of the ancients. The greatest development of the above principle is found in a doctrine introduced by our authors for the first time, namely, that of practices forbidden in the *Kali* Age (*Kalivarjya*). Enumerations of such practices are found in *Bṛihaspati-Smṛiti* (I 23.4; II 267–9) as well as in *Prajāpati-Smṛiti* (verse no. 151), *Vyāsa-Smṛiti* (quoted in *Smṛitimuktāphala*, p. 176), *Laghu-Āśvalāyana-Smṛiti* (21. 14–15), and *Kratu-Smṛiti* (quoted in *Samaya-prakāśa*, p. 261). The longest list is found in an anonymous extract quoted in *Smṛitichandrikā* (I, pp. 30–31). Justifying the above view in its application to the ancient custom of levirate (*niyoga*), Bṛihaspati (II 267–9 quoted above) says that it has been mentioned as well as forbidden by Manu, and that it cannot be practised by others according to canonical directions, because of the diminishing potency (of the later Ages). Men in the *Kṛita* and the *Tretā* Ages, the author explains, were endowed with austerities and knowledge, while those in the *Dvāpara* and *Kali* Ages are lacking in strength: because of this loss of strength one cannot beget various kinds of sons such as were begotten by the ancient sages. The anonymous text of the *Smṛitichandrikā* quoted above concludes with the statement that the above acts were forbidden for the purpose of protection of the people by men of learning and high character who made a convention (*vyavasthā*) to that effect: for, as the author remarks with striking boldness, the conventions (*samayas*) of good men are authoritative like the *Vedas*. In the above passages, while the first argument justifying the doctrine of forbidden practices of the *Kali* Age repeats the old *Smṛiti* view of the superior stamina of the ancients, the second argument introduces a very important principle, namely, that of the binding (almost canonical) authority of conventions of good men abrogating outworn ancient practices in the public interest.

IDEAS OF STATE LAW AND JUSTICE

Let us now turn to our authors' development of the old *Smṛiti* ideas of the authority and sources of the State law. The first group of verses deals with the early *Smṛiti* view of the twofold source of this law (namely, canon and custom or convention), and more especially, with Manu's dictum quoted elsewhere, which enjoins upon the king joint application of the principles derived from the canon and from regional usage (*śāstradṛishṭa* and *deśa-dṛishṭa*). Referring to the former source, Bṛihaspati (I 1.52; ibid. 97–8) commends the king who himself investigates the affairs of suitors along the paths indicated by the canonical principles. As regards the latter source the same author (I 1. 126–7) observes that what has been established by themselves among the castes born in the wrong order (*pratiloma*) as well as the residents of inaccessible places and in regions, castes, families and so forth, must be maintained just as they are: otherwise the subjects would be disaffected, and the people would be alienated and the king's army as well as revenue would be lost. The author (ibid. 128–31) proceeds to enumerate a list of very unorthodox practices prevalent in different regions, and he concludes by saying that the persons following the same do not thereby become liable either for penance or for punishment by the king: the king, however, is asked somewhat inconsistently to confiscate the possessions of persons following the unorthodox practices, after leaving a sufficient margin for their subsistence.

The above point is discussed most fully by Kātyāyana (46–50). *Deśa-dṛishṭa*, he says, is the usage which is current in a particular region, which is of long duration, and which is not opposed to the *Veda* and the *Smṛitis*. This leads the author to explain the authority of popular conventions. Whatever convention, we are told, has been settled in accordance with the consent of the people of a particular region must always be preserved in writing and sealed with the royal seal; it should be sedulously upheld like the dictates of the Sacred Law, and the king should decide disputes after taking it into consideration: whatever trading conventions have been reduced to writing by the merchants as fit for being carried out must be given effect to by the king, and he must not start anything contrary to the same. The author further distinguishes between the respective jurisdictions of the two sets of laws. The king, he says, should decide the causes (of people) in accordance with the canon, but when the canonical texts are wanting, he should carry out the administration of justice in accordance with the regional usage: while disputes between inhabitants of the same region, trading station, cow-pen, town or village, shall be decided in accordance with their own conventions (*samaya*), the disputes between these and others shall be decided according to the canon. The king, the author concludes, must not set aside what has been established as the authoritative usage of a country and what though not so established has been done by him in accordance with the *Vedas* and the *Smṛiti*: should the king decide (a suit) by his own caprice in disregard of an existing canonical text (*vākya*),

he would lose heaven, he would ruin his people, he would expose himself to danger from the enemy's troops, he would strike at the root of his own life. The ideas of the other *Smṛitis* follow, as far as they go, the above lines. One must not set aside, says Devala (quoted in *Smṛitichandrikā* I, p. 25), whatever course of conduct (*dharma*) has been established in the respective regions, cities, villages, or towns inhabited by learned Brāhmaṇas. Where the directions of the Sacred Canon (*śāstras*) vary in respect of all matters, says Sumantu (quoted, ibid. p. 9), the wise man should follow the usage (*āchāra*) which has been handed down in his family from generation to generation. Pitāmaha (quoted, ibid. II 1, p. 58) defines usage (*charitra*) as whatever, whether right or wrong, is observed by the leading men in accordance with the customs of regions, families, and so forth. Disputes between the residents of villages, cow-pens, the town, caravans and military encampments, he further observes after 'Bṛihaspati' (really, Kātyāyana), should be decided in accordance with (their respective) usages. According to an anonymous verse quoted by Asahāya in his commentary on Nārada (Introduction, verse 37) usages which are prevalent in different regions and have been handed down from generation to generation must never be overruled by the authority of the canonical texts.

The above passages develop the old *Smṛiti* rule relating to the twofold source of State law, namely canon and custom (or convention) in several respects. In the first place, Bṛihaspati, pushing the principle of validity of popular conventions to a further point, allows the authority of law to the conventions of approved as well as disapproved social groups, and he justifies this on the ground of public policy. Differing from the authoritative view of Baudhāyana in the parallel passage quoted elsewhere, the same author grants complete immunity to the people for the observance of admittedly heterodox regional customs and practices. Secondly, Kātyāyana, while validating old and orthodox customs, grants the fullest authority of law to the popular and especially the merchants' conventions with adequate provision for an official record of the same. Repeating Manu's plea for the joint application of the canon and custom for purposes of the State law Kātyāyana further claims for the latter a complementary as well as a parallel jurisdiction in relation to the former so as to make regional usage applicable in default of the canonical text, and again in contrast with the canon which applies to disputes between local and non-local units, to disputes of the local units. This is followed by a vigorous plea for the king's observance of usage as well as the authority of the canon. Thirdly, while Devala confers complete authority of law upon the local conventions and Pitāmaha upon those of the leading men based upon local or family usage, Sumantu allows this authority to family usage in default of the canon. Going to the furthest point, the authority quoted by Asahāya lays down the doctrine of inviolability of regional and traditional usages irrespectively of the canonical injunctions.

A second group of extracts in the late *Smṛitis* refers to Yājñavalkya's principle of application of *Dharmaśāstra* and *Arthaśāstra* as joint sources

of the State law as well as his rules of interpretation in case of conflict of these sources. Nārada (*N* and *NM* Introduction 29 and 31; *N* Introduction 39–40 = *NM* ibid. 33–4), after observing that the king should follow the authority of *Dharmaśāstra* and again that he should avoid a conflict between *Dharmaśāstra* and *Arthaśāstra*, asks him to follow *Dharmaśāstra* instead of *Arthaśāstra* in the event of their conflict, and to follow the injunction which is based upon reason (*yukti*) when there is a conflict between *Dharmaśāstras*. The last principle is supported by the argument that popular usage (*vyavahāra*) is authoritative, and that it overrules (the letter of) the law (*dharma*).[3] Bṛihaspati requires the king in one place (I 122) to decide disputes according to *Dharmaśāstra* and in another extract (I 1. 111) to decide them without conflict between *Dharmaśāstra* and *Arthaśāstra*, while in a third extract (I 1. 83–90) in the course of a metaphorical description of the ten constituents of a judicial proceeding he declares the *Smṛiti* to be its two hands, and explains its function as disclosing the mode of decision. When the two authorities are in conflict, we are further told (I 1. 116), the works like those of Manu should be followed and in no case the *Arthaśāstra*. Where there is a conflict between *Dharmaśāstras*, the author further observes (I 9.8), the injunction which is in accordance with reason (*yukti*) should be followed. That judicial proceeding, says a text of Hārīta (quoted in *Smṛiti-chandrikā* II 1. 59), is just (*dharmika*) which is in accordance with the dictates of *Dharmaśāstra* and *Arthaśāstra* as well as the customs of cultured people (*śishṭāchāra*) and so forth. When there is a conflict between the sacred texts, says a text (II 149) of the Karmapradīpa (otherwise called Gobhilasūtra), the view which is supported by the majority of the texts is authoritative, and when the texts are equally authoritative, reason (*nyāya*) is to be followed.[4] The above extracts are important for two reasons. First because they explicitly recognize a principle which is implicit in Yājñavalkya's thought, namely, that the two sources of State law are *Dharmaśāstra* and *Arthaśāstra*. Secondly, they repeat Yājñavalkya's rule of interpretation in the event of conflict between these sources with a slight difference. For while allowing the *Dharmaśāstra* to prevail over the *Arthaśāstra* in case of their conflict, they plead for the application of 'injunction based upon reason' (Nārada and Bṛihaspati), or more generally 'reason' (Karmapradīpa) in the event of conflict between the *Dharmaśāstras*. Nārada's argument in support of his view, which is based upon the supreme authority of popular usage in comparison with the canon, brings him into line with Yājñavalkya.

As regards the principles of State justice, our authors follow the lines of the older *Smṛitis*. The king, says Nārada, (*N* and *NM*, Introduction 32) almost in the words of Manu (VIII 44) quoted elsewhere, should discover the track of *dharma* in the same way as a huntsman traces the steps of a wounded deer by drops of blood. The author in the same context warns the king against blind adherence to the authoritative sources of law by stating that one who is not a thief (as in the case of the sage Māṇḍavya) is pronounced a thief by judicial decision and vice versa. Impartiality along with abjuration

of greed, hatred and so forth, reason (*nyāya*) and truth are inculcated by Bṛihaspati (I 1. 51–4; ibid. 98–100; ibid. 110) for the king's guidance in his administration of justice. The king, we are further told (I 1. 114–17), should not decide disputes by exclusive reliance upon the canon, for when decision is not based upon reason (*yukti*) there results failure of justice (*dharma*). Showing how one who is a thief is pronounced by means of judicial proceeding to be not a thief and how (as in the case of the sage Māṇḍavya) one who is good is proved to be bad and how untruths appear like truths and vice versa, the author concludes that the king should decide disputes in accordance with reason (*yukti*). Untruths, says Pitāmaha (quoted in *Smṛitichandrikā* II 1. 55) are found to appear like truths and vice versa, and this involves confusion (in the decision of cases), and therefore it is proper that the suits should be (carefully) examined. These extracts amplify the old *Smṛiti* principle that the king's justice is human reason in its application to the approved sources of law.

AUTHORITY OF THE KING'S EXECUTIVE EDICT

Let us next turn to our authors' development of a principle introduced into the *Smṛiti* literature by Manu and Yājñavalkya apparently after Kauṭilya, namely, that of the quasi-legislative authority of the king. We begin with a few extracts (*N* and *NM* XVIII) from Nārada's chapter entitled 'Miscellaneous' (*prakīrṇaka*). The command of the king which represents his might, we are told, resides in his oral communication, and hence what he speaks, be it right or wrong, is the law (*dharma*) for litigants: as the king moves on earth like a visible Indra, his subjects should never abide by the violation of his command: whatever the king does is authoritative, such is the accepted rule, for the king is entrusted with the protection of his subjects, he is their lord, and he is found to benefit creatures. In the following lines after requiring the subjects to honour their king, even though worthless, on the analogy of wives constantly honouring even their worthless husbands, the author asks the subjects afresh to abide by the king's command, for the king became their lord by purchasing them with his austerities, while their occupations depend upon him. Finally, the author, after declaring the king to be equivalent to a group of five deities by parity of functions, warns the subjects against insulting or reviling or discriminating against the king, and he enjoins them to abide by the king's command for otherwise they would perish. The same ideas are repeated by Bṛihatparāśara (quoted in *Rājanītiprakāśa*, p. 23). The king's command, we are told, is his supreme might, and he who disobeys the same should be slain by means of weapons: whatever the king hears or does or says, must be done by all men: the man who disregards the might of the king resembling the mighty Sun, and who speaks harshly against him immediately perishes because of the resulting sin: the king quickly accomplishes, sees and hears, knows and governs all: he is sprung from particles of all the gods, and hence no one should disobey him. The above extracts mark the extreme development of the old *Smṛiti*

principle relating to the authority of the king's edict. For the authors not only confer the force of law upon the king's command irrespectively of its justice or otherwise, but they also inculcate unquestioned obedience to his authority regardless of his worth. This is justified by a number of *Smṛiti* principles. Such are the doctrine of divinity of the king in a physical as well as in a metaphorical sense respectively on the ground of his creation out of divine particles and his divine equivalence through his attributes, the conception of the king's function as the guarantee of public security and that of his office as the safeguard of social order and of individual happiness as well as the idea of his authority based upon overwhelming force. To the above Nārada adds a principle based upon the law of *karma*, namely, that the king's authority is derived from his merits acquired in a previous birth.

We have now to notice, as a set-off to our authors' idea of the high authority of the king's executive edict, their conception of its limitations after the earlier *Smṛiti* standards. The king, says Nārada in the context from which we have quoted above (*N* and *NM* XVIII 8–9), should not establish what is contrary to the *Veda* and the *Smṛiti* and is harmful to the people, and he should abrogate any such that has been established : should another king through ignorance have established something contrary to reason (*nyāya*), he should give up such inequitable practice and direct it afresh along the path of reason. With this we may compare a text (669) of Kātyāyana almost paraphrasing a similar passage of Yājñavalkya quoted in a previous chapter (VIII): when the king's edict has been issued without conflict with one's duty (*dharma*), it alone should be obeyed in accordance with the king's orders. In the above while Kātyāyana limits the application of the king's edict by the principle of the supremacy of the sacred law, Nārada adds to this the limitations imposed by reason and the public good.

As regards the authority of the king's judicial decree, we have to mention that the celebrated juristic formula of Kauṭilya about the four modes (technically called 'four feet') of a judicial decision with its accompanying order of their priority is introduced into the *Smṛiti* literature with slight verbal changes by Nārada (*N* and *NM*, Introduction, 10–11) and by Hārīta (quoted in *Sarasvatīvilāsa*, p. 58). These modes, without reference to their technical title, are repeated and explained by Bṛihaspati (I 1. 18–21 ; ibid. I 9. 1–7) and by Kātyāyana (35–43). What concerns us particularly to notice here is that as in Kauṭilya the king's decree has the final authority over the three other modes of judicial decision, namely, solemn affirmation, examination of witnesses, and the customs and practices of men. The definitions of the king's decree by our authors clarify the somewhat vague and general ideas of their predecessor. When the evidence on both sides is of equal authority, says Bṛihaspati (I 9.7), the king's decree is a mode of decision, provided that it is not in conflict with the canon (*śāstra*) and the (opinions of the) assessors. What a king establishes as *dharma*, says Kātyāyana (38 ; 42), without conflict with the rules of reason (*nyāyaśāstra*), and in accordance with local usages, is called a righteous royal decree : the king's

command overrules usage when he holds a certain usage to be opposed to reason (*nyāya*).[3] The threefold evidence, says Vyāsa (quoted in *Smṛiti-chandrikā* II 1.23) comprises written documents, witnesses and possession, while inference, reason, usage and duties (as defined by the author) form other means of evidence: when all these means fail, the king's decree is declared by the wise to be the mode of decision. When there exist neither documents nor possession nor witnesses nor ordeal, explains Pitāmaha (quoted, ibid. II 1.59), the king is the authority. This is justified by the author on the ground that he is 'the lord of all', or in other words because of his supreme political authority. It follows from the above that the king's decree is applicable only when the evidence is equally balanced (Bṛihaspati), or is altogether wanting (Vyāsa and Pitāmaha), while its validity is subject to conformity with the canon and the verdict of the assessors (Bṛihaspati), or else reason and usage (Kātyāyana).

ORIGIN OF POLITICAL INSTITUTIONS

Although a complete theory of the origin of the State and its institutions is wanting in the late *Smṛitis* they contain a few hints on this point. When in days of yore, says Nārada (*N* and *NM* Introduction, 1–2), the Patriarch Manu exercised sovereignty, the people were wholly devoted to virtue and were speakers of truth, but when virtue (*dharma*) disappeared among men, law and legal procedure (*vyavahāra*) were instituted, and the king was created for their administration as well as for wielding the rod of chastisement. We have a shorter version of the above in Bṛihaspati. Formerly, we read (I 1.1), the people were predominantly virtuous and averse to injuring creatures, but (afterwards) when they were overpowered by greed, hatred and so forth, law and legal procedure were instituted. We begin here with a primitive State ruled by a Patriarch with highly virtuous subjects and as such without laws. This led in consequence of man's sin to the law-State under a human ruler. The above view seems to project into the remote past Bhīshma's philosophical conception of a mythical land which is ruled without punishment because of the perfect virtue of its inhabitants, while it repeats Bhīshma's theory of the origin of the State in man's sin.

AUTHORITY AND OBLIGATION OF THE TEMPORAL RULER

The mutually complementary principles of authority and obligation of the temporal ruler which we have traced back to the early *Smṛitis* are repeated and in part developed by our authors. We begin with a group of extracts bearing upon the authority of the king. As the king is endowed with splendour and purity, says Nārada (XVIII 13), he is among mortals the Being without beginning and without end (i.e., as explained by the author of the *Rājanīti-prakāśa*, p. 21, the God Vishṇu). Of the important qualifications attached by the author to this doctrine, namely, that he must not swerve from his duties, we shall speak presently. Kings of unparalleled might, we read in a later passage (*N* and *NM* XVIII 24–9), assume five (divine) forms, namely those

of Fire, Indra, the Moon, Yama, and Kubera : the king is called Fire, when being subdued by anger with or without cause, he 'burns' his subjects : he is called Indra, when acquiring might he marches forth with uplifted weapons against his enemies with a will to conquer : he is called Moon, when shedding his anger and cheerful in aspect he is seen by his subjects : he becomes Yama, when seated on the throne of Justice he wields the rod of punishment with impartiality towards all creatures : he is called Kubera, when he favours guests, preceptors and learned men as well as servants and so forth with gifts. The king's person, says Bṛihaspati (I 1.6–8), was created by appropriating portions of the lustre of the deities, namely, the Moon, Fire, the Sun, Wind, Indra, Kubera, and Yama : all creatures both movable and immovable yield themselves for enjoyment and swerve not from their duties through fear of the king : in a country without a king the occupations of agriculture, trade and money-lending do not exist, and therefore the king was created in former times as the leader of the castes and the orders. The king of the gods, namely Indra, says Kātyāyana (8), having fallen from heaven appears (before the people) in the form of a king. Since the king like a preceptor, says Añgiras (quoted in *Rājadharmakāṇḍa*, p. 7 and *Rājanīti-prakāśa*, p. 24), purifies sinners with heavy punishment and (afterwards) protects them, he is called a preceptor. Again while Pitāmaha (quoted by Varadarāja, *Vyavahāranirṇaya*, p. 525) and Bṛihatparāśara (quoted in *Rājanītiprakāśa*, pp. 20–21) repeat Nārada's doctrine of equivalence of the king's functions to those of five deities, an anonymous *Smṛiti* text (quoted by the commentator Ḍhuṇḍirāja on the concluding verse of *Mudrārākshasa* drama) identifies the king with Vishṇu. Brahmā, says *Bṛihatparāśara* (quoted in *Rājanītiprakāśa*, p. 16), created the king out of particles of eight deities, namely, the Regents of the Quarters. The above extracts, it will be observed, base the king's authority over his subjects upon a number of early *Smṛiti* principles relating to the king's origin, office and functions. The king is identified (as in Bhīshma's extreme version of his origin) with Vishṇu (and alternatively with Indra), or else (as in Manu's moderate version) he is held to have been created by the High Deity out of divine essences. Again, the king's functions are held to be equivalent to those of the deities, and alternatively with those of the preceptor, so as to identify his personality with their own. The king's office, lastly, is held to be the guarantee of the fulfilment of individual duties as well as occupations.

The late *Smṛitis*, likewise following the older precedent, derive the subjects' duties towards their ruler from the principles of the king's authority quoted above. How Nārada (*N* and *NM* XVIII) and Bṛihatparāśara (quoted in *Rājanītiprakāśa* p. 23) inculcate the subjects' unquestioned obedience to their ruler has been told in another place. To the above Bṛihatparāśara adds that the king is a great god on earth and must be honoured as such, and again that the king is the creator, preserver and destroyer of all. The man who disregards the might of the king resembling the mighty Sun and speaks harshly against him, the author further observes, perishes immediately

because of the resulting sin. Characterising the king along with one's parents, elder brother, and preceptor as a god in visible form, Kātyāyana (quoted by Hemādri, *Chaturvargachintāmaṇi*, *Prāyaśchittakāṇḍam*, pp. 76-7) declares that none should act inimically towards them. In the course of a long list of punishments awaiting sinners in the next world Śaṅkha (quoted in *Madana-pārijāta*, p. 702), observes that one who reviles the king will be born as an ass. In the above extracts, it will be seen, the authors basing their views upon the principles of the king's authority, enjoin upon the subjects the duty of honouring as well as obeying the king and warn them against the danger of disregarding and harming him. How these authors likewise enjoin upon the subjects obedience to the king's executive edict has been told in another place.

Let us now turn to our authors' development of the complementary *Smṛiti* principle of the king's obligation towards his subjects. The king, says Nārada (*N* and *NM* XVIII 5 and 17), shall protect with attention all orders (*āśrama*) in accordance with the rules prescribed by the canon and the four political expedients: constantly cherishing the good and punishing the wicked constitute for kings their (end of) virtue (*dharma*), while refraining from oppression of his subjects constitutes (their end of) wealth (*artha*). Elsewhere (ibid. 45) Nārada refers to the tax (*bali*) of one-sixth arising out of land as the king's fee (*vetana*) which has been prescribed for the protection of the people.[5] Since the chief of the gods falling from heaven appears as king among men, says Kātyāyana (8 and 15), the king must constantly do that whereby he can attain to that position: the king was created for a threefold purpose, namely, constant protection of the people, eradication of thorns and honouring the Brāhmaṇas. Judicial proceeding, further observes Nārada (*N* and *NM* Introduction 13–14), embraces four parties, namely, the party to the suit, the witnesses, the assessors, and the king (who share the resulting merit or demerit) in equal proportions of one-fourth each: judicial proceeding ensures (for the king) the fourfold (gain of) virtue (*dharma*), wealth (*artha*), fame, and popularity. If the kings follow their distinctive duties, similarly says Kātyāyana (9–10), they attain to the position of Indra, but if they go astray (from this path), they reside in the hell called Avīchi: the king who yields to anger without proper reflection will live in a terrible hell for half a *kalpa* (meaning, one day of Brahmā which is equivalent to one thousand 'divine Ages'). Kings who inflict just punishment, we read elsewhere, (ibid. 960–61) are honoured even by the gods, while by not punishing the wicked and by punishing those who bow (to the law), kings and especially their ministers go to hell. The king, says Śaṅkha (quoted in *Rājadharmakāṇḍa*, p. 85), wins heaven not by vows or fasting or various kinds of sacrifices, but by protecting his subjects. The above extracts, it will be noticed, repeat with the usual spiritual sanctions the old *Smṛiti* principle of the king's obligation towards his subjects in its threefold aspect, namely, the ethico-religious, the quasi-contractual and the divine. How this conception of the king's ethico-religious obligation modifies the

author's view of the king's divinity is illustrated by the text of Nārada quoted above, namely, that the king is the Being without beginning and without end provided he does not swerve from his path.

Following the precedent of Manu and Yājñavalkya the late *Smṛitis* repeat and develop the clauses of the State law bearing upon the king's authority and his obligation, with (it must be admitted) a distinct bias in favour of the former principle. The former group of clauses deals principally with offences against the king's person as well as his authority. Under the head of law called 'Abuse and Assault' Nārada (*N* and *NM* XV–XVI, 27–8) prescribes punishments of atrocious severity for abusing a just king and for striking a king even though at fault, the latter offence being emphatically declared to be a hundred times worse than Brāhmaṇa-murder. In the extract (*N* and *NM* XVIII 10) quoted above, the same author prescribes the penalties of imprisonment and death for disobedience to the king's executive edict. Giving a short list of penalties for different offences Bṛihaspati (I 9.12) prescribes the punishment of imprisonment for treason. Corporal punishment is prescribed by Kātyāyana (955–6) for indulgence in the king's sports, adopting his occupation, speaking what is distasteful to him, and stealing his wealth. To the above we have to add that the later *Smṛitis* introduce for the first time into the *Smṛiti* literature a special procedure for dealing with a large number of offences including those against the authority of the king. Introducing their head of law called 'Miscellaneous', Nārada (*N* and *NM* XVIII 1) and Bṛihaspati (I 29.1) observe that the law-suits stated therein 'depend upon the king' evidently in the sense that he starts as well as investigates them. Dealing with the separate lists of offences which are included under the head 'Miscellaneous', Kātyāyana (944f.) more explicitly asks the king himself to investigate one group, to trace out a second group through his spies and take preventive measures accordingly, and to settle a third group by means of the four political expedients. Lists of offences technically called the fifty *chhalas* and the twenty-two *padas* are enumerated by Pitāmaha, while parallel lists of ten offences called *aparādhas* occur in Nārada and Samvarta (quotations in *Smṛitichandrikā*, II 1. 62–4). Explaining the special procedure for the trial of these groups of offences, Samvarta says that the king should himself without the intermediary of the complainant investigate and try the ten *aparādhas*, while Pitāmaha observes that the king should investigate the groups of *chhalas* and *padas* without requiring the party to institute the same. The common characteristic of these groups, then, is that unlike other suits which can be instituted only at the instance of the party concerned, they are instituted by the king *suo moto*. In other words it is the State and not the individual that is here the prosecutor. What concerns us in the present context is to note that the above lists include various offences against the authority and dignity of the king. These comprise in Nārada (loc. cit.) the offences of violating the king's command, imitating his acts and creating dissensions among the constituent elements of the kingdom (*prakṛiti*). The transgression of royal commands

(*ājñā*) and warrants for arrest (*āsedha*) as well as creating disaffection or dissension among the constituent elements of the State (*prakṛiti*) are included by Brihaspati (I 29. 13–15) and Kātyāyana (949–52) in their separate lists of offences referred to above.[5a] Again, while the acts of committing treason against the king, breaking his seal and betraying his counsel are named in the list of *padas* above mentioned, the list of fifty *chhalas* includes not only the offence of betraying the king's secrets, but also that of trespassing into his residence, treasury and kitchen, seeing him at his meals, sleeping on his bed, sitting on his throne and using his dress and ornaments.

Let us now turn to our authors' complementary clauses of the State law relating to the obligation of the temporal ruler towards his subjects. When the thieves cannot be caught, says Nārada (*N* and *NM* XIV 26), the king should give (the equivalent of the stolen property to its owner) out of his own wealth : should he neglect this, he would be tainted with sin and would lose the two ends of life, Virtue (*dharma*) and Wealth (*artha*). The king, says Kātyāyana (816), should carefully restore the very article stolen by thieves : failing to restore this he should pay its price (to the owner), otherwise he would incur sin. These extracts repeat with the familiar moral and spiritual sanctions the clauses of the old *Smṛiti* law in respect of the king's general obligation to protect his subjects. It remains to mention that Kātyāyana (485) makes the Kshatriya liable to double the penalty applicable to a Śūdra guilty of the same offence. This evidently repeats the principle of Manu's law quoted in a previous chapter which makes the king liable to pay a fine of one thousand (coins) for an offence for which the ordinary man has to pay one only.

The general ideas of our authors about kingship reflect the two contradictory tendencies of *Smṛiti* thought from early times. On the one hand Nārada (*N* and *NM* XVIII 39–52), justifying the acceptance of gifts from the king in the face of Manu's text to the contrary, highly commends the office and functions of the temporal ruler. These two, namely the Brāhmaṇa and the king, we read, are upholders of the law (*dhṛitavrata*), and between them there is no difference in respect of protection of the subjects : the king's acquisition of wealth is like mixing pure and impure objects with water so as to make them equal, and all methods of acquisition become pure in the king's hands like gold exposed to the blazing fire. How can the king, the author asks, be other than a deity when the impure man becomes pure and vice versa by his command? The author ends by including the king in a list of eight auspicious persons and objects that should be seen, honoured and circumambulated constantly. Completely different from the above is the attitude of two other authors. Yama (quoted in *Madanapārijāta*, p. 219), while condemning acceptance of gifts from a king belonging to a non-Kshatriya stock as well as his queen, ministers and domestic chaplain, argues that all these persons who follow the royal duties possess tainted wealth. Similarly Hārīta (quoted, loc. cit) condemns acceptance (of gifts) from the king's hands, and he justifies this after Manu by saying that the

king commits as much sin as is committed in ten thousand slaughter-houses. In the above, while the first group of extracts tends to exalt the king's status, the second group indicates a tendency to depreciate the same. The first view is based on the conception of the high merit of the king's function of protection and his unique personality, while the second statement is founded upon the cruelties inseparable from his office.

THEORY OF THE COERCIVE AUTHORITY OF THE RULER

Let us now turn to our authors' theories of coercive authority (*daṇḍa*) of the king. Should the king, says Nārada (*N* and *NM* XVIII 14–16), not constantly apply *daṇḍa* against all who have fallen from their duties, these people would perish, the Brāhmaṇa would slay his fellow Brāhmaṇa, the Kshatriya would abandon his fellow Kshatriya, the Vaiśya would give up his occupation and the Śūdra would overpower all: should the king not exist on this earth for wielding *daṇḍa*, the strong would roast the weak like fish on a spit. No one who has strayed from his proper duties, says Bṛihaspati (I 9. 15–16), be this person father, preceptor or friend or mother, wife, son or domestic chaplain, is exempt from the king's punishment: should the sacrificial priest, the domestic chaplain, the ministers, sons or relatives violate their duties, they should be punished and banished from the town. According to Kātyāyana (481), on the other hand, punishment is not at all prescribed (by the sacred texts) for the preceptor, the father, the mother and relatives, when these are guilty of offence. In the above Nārada repeats the old *Arthaśāstra* principle that *daṇḍa* is the safeguard of individual security and stability of the social order after the canonical standards. Again, while Bṛihaspati repeats after Manu the principle of the king's unlimited application of *daṇḍa*, Kātyāyana modifies it to the extent of immunity of the king's most respected connexions.

IDEA OF PROPERTY

The question of ownership of the soil introduced into the *Smṛiti* literature by Manu is discussed afresh by our authors. The king, says Kātyāyana (16–17), according to the reading and translation of Dr P. V. Kane, has been declared to be the owner (*svāmī*) of land, but never of other kinds of wealth, and therefore he should appropriate one-sixth of the produce thereof, but not otherwise at all: since (human) beings reside on land, their ownership thereof has been declared: the king's action is confined to (the appropriation of) one-sixth as tax since the latter is dependent on good and evil portents. According to the alternative reading and explanation of Mitramiśra the text means that the king is the owner of the land, but not of the things attached thereto, that but for his ownership of the land he could not obtain one-sixth of the produce, that the king's ownership has been held to be applicable to human beings because they live thereon, and that therefore he should obtain one-sixth as the tax arising therefrom. Again, according to an anonymous (*Smṛiti*) text quoted by Bhaṭṭasvāmin in his commentary

on a passage (II 24) of Kauṭilya's *Arthaśāstra*, the king is held by those versed in the canon to be the owner (*pati*) of both land and water, while the heads of families have the ownership of all things other than these two. This passage occurs in the context of Kauṭilya's rules relating to the king's realization of his dues from the State irrigation-works. Though the above extracts are not wanting in difficulties or even contradictions, we may take them on the whole to involve an amplification of Manu's theory of property in justification of the king's share of the treasure-trove found by his subjects. This consists in the statement made in justification of the king's title to his share of the agricultural produce and the irrigation dues respectively, that he is the owner of both land and water and that the ownership of the rest remains with the people. With this doctrine of parallel ownership by the king and his subjects we reach the last stage in the evolution of the *Smṛiti* ideas of property.[6]

PRINCIPLES AND POLICIES OF GOVERNMENT

The principles and policies of government in the late *Smṛitis* are slight in comparison with those of Manu and Yājñavalkya, but they reflect so far as they go the best standards of the last-named authors. The minds of kings, says Kātyāyana (4–5), constantly go astray, since they are endowed with considerable heroism, learning and wealth, and especially because they exercise power, and hence Brāhmaṇas should constantly awaken their minds to their duties (*rājadharma*) and the king should never violate the holy teachings of the *Smṛitis*. Like the clouds, says Vyāsa (quoted in *Rājanītiprakāśa*, p. 5), the king is the refuge of creatures. Vyāghra (quoted by Maskari on *Gautama-Dharmaśāstra*, XI 9) enjoins the king to protect the Brāhmaṇas, Kshatriyas, Vaiśyas and Śūdras as well as inferior castes, while Yama (quoted in *Rājadharmakāṇḍa*, pp. 154–5) promises high spiritual rewards to the king who is impartial towards all creatures and is versed in policy and who does not act singly, as well as one who supports his servants 'as the cloud supports all creatures and as a mighty tree supports birds'. Kātyāyana (quoted in Mitramiśra's *Rājanītiprakāśa*, p. 411) forbids the destruction of the kingdom even of a wicked enemy, and he justifies this by the remarkable argument that the latter did not start on his career of wickedness with the consent of his subjects. In the above the king is first warned against disregarding the canonical injunctions on the sound political principle that power breeds corruption. Other principles inculcated by the authors upon the king are those of universal protection along with absolute impartiality and good policy as well as consultation with his ministers. Finally, the conquering king is urged to spare the subjects even of a wicked king on the ground that the sins of the latter are not to be visited upon the former.

DOCTRINE OF THE TWO POWERS—THEORIES OF BRAHMANICAL IMMUNITIES AND PRIVILEGES

The old canonical doctrine of the two powers (namely, the spiritual and the temporal) is repeated in the late *Smṛitis*. Nārada (*N* and *NM* XVIII 40),

while justifying the acceptance of gifts at the king's hands by all other than Brāhmaṇas, repeats the old Vedic doctrine that the Brāhmaṇa and the king are upholders of the sacred law (*dhṛitavrata*). To this he adds that there is not the slightest difference between them for the purpose of protection of the people. The above doctrine is repeated by Bṛihaspati (VI 28) almost in the same words in another context to which we shall presently turn. These passages provide an interesting variant of Manu's and Bhīshma's theory quoted elsewhere, as they mention the doctrine of the co-ordinate function of the Brāhmaṇa and the king (instead of their divine ordination) evidently as the basis of their authority over the rest.

The statements of Brahmanical immunities and privileges in the late *Smṛitis* (*N* XVIII. 34f. = *NM* XVIII 32f.; Bṛihaspati, I 9. 9–11; ibid. 27; II 5. 13–15; VI 42–5; Kātyāyana 483) follow, as far as they go, the older lines. The king, observes Nārada (*N* and *NM* XVIII 32), should constantly and intently wait upon the Brāhmaṇa, for the temporal power (*kshatra*) which is joined with the spiritual power (*brahma*) is the root-cause of the protection of the people.[7] Again Bṛihaspati (VI 28) allows the Brāhmaṇa in distress to practise agriculture through the (forced) labour of others on his fields, and with immunity from payment of the tax to the king or the village proprietor. This is justified not only by Nārada's argument that the king and the Brāhmaṇa are the joint guardians of the sacred Law, but also by the argument of Manu that the Brāhmaṇa is the lord of all. The above extracts lay down a double rule of Brahmanical immunities and privileges based upon the older texts. This relates to the Brāhmaṇa's privilege of being constantly honoured by the king, and that of cultivating his fields in times of distress with the use of forced labour and with complete immunity from taxation. The authors justify the same by the old Vedic doctrine of dependence of the temporal power upon the spiritual as well as the late *Smṛiti* doctrines of the Brāhmaṇa's universal lordship and his co-ordinate function of protection along with that of the king. On the other hand Kātyāyana (485) lays down a remarkable clause of law to the effect that should a Kshatriya or a Brāhmaṇa commit an offence for which a Śūdra is punishable according to law, they would be liable to double and double (of this double) punishment respectively. This passage involves (by an extension of a clause of law laid down by Manu for the king) the principle of proportionate enhancement of the penalty for Kshatriya and Brāhmaṇa offenders in comparison with the others.

The discussion of the old *Smṛiti* problem of immunity of the Brāhmaṇa desperado (*ātatāyī*) by our authors is marked by the usual contradictions. One does not, says Bṛihaspati (I 23. 17–19), incur the slightest sin by killing an *ātatāyī*, and one incurs no blame by slaying a man who rushes forth with intent to kill: one not killing an *ātatāyī* who though of excellent character and devoted to his proper occupation as well as Vedic study has deserved to be slain, reaps the fruit of performance of a horse-sacrifice: if one does not kill an *ātatāyī* though of high birth and engaged in Vedic study, he

becomes guilty of Brāhmaṇa-murder. Elsewhere (I 23. 4), however, Bṛihaspati includes the act of killing a great Brāhmaṇa in righteous fight among the practices which have been declared by learned persons to be forbidden in the *Kali* Age. If a man who is superior in point of austerity, Vedic study and birth, says Kātyāyana (801) on the authority of Bhṛigu, becomes an *ātatāyī*, it is not proper to kill him, killing being prescribed for the sinner of a lower class. When even a master of Vedānta, says the same author on the other hand (quoted in *Vyavahāramayūkha*, p. 241), rushes forth as an *ātātayī* with intent to kill, he may be attacked with similar intent, and by killing him one does not become guilty of Brāhmaṇa-murder. By killing even an *ātātayī* Brāhmaṇa who rushes forth with uplifted weapons, says Gālava (quoted in *Vyavahāramayūkha*, p. 242), or Devala (quoted in *Smṛiti-chandrikā*, II 2. 730), one does not become guilty of Brāhmaṇa-murder, while by not killing the latter he becomes guilty of the same offence. The above extracts repeat the two contradictory views of the older *Smṛitis*, one supporting and the other denying the immunity of the Brāhmaṇa desperado. As before, this is based upon a conflict between two important principles of the *Smṛitis*, namely, that the Brāhmaṇa's person has an absolute immunity and that the individual has a fundamental right of self-preservation even at the cost of killing his assailant.

(B) THE WORKS ON *PŪRVAMĪMĀṀSĀ*—THE EARLY COMMENTARIES ON THE *MĪMĀṀSĀ-SŪTRAS*

CONNOTATION OF KINGSHIP

The two great *Mīmāṁsā* commentators of this period, namely, Śabara and Kumārila, in the course of their discussion of the significance of a certain *Rājasūya* ritual, deal with the problem of connotation of the royal title evidently with reference to the rights of its owner (after the canonical standards). The point arises in connexion with the question (*Mīmāṁsā-sūtras*, II 3.2) whether the *Aveshṭi* (a rite connected with the coronation ceremony of the *Rājasūya* sacrifice to which along with the Kshatriya the Brāhmaṇa and the Vaiśya are entitled) is or is not an independent sacrifice. This leads the authors to discuss the further question whether the title *rājan* (king) belongs to the Kshatriya alone, or generally to any one occupied with the ruling function. The problem, in other words, is whether the rights of kingship under the Vedic sacrificial ritual are derived from birth or from function. In the course of this discussion, we are told that the people of Northern India (Āryāvartta) use the title *rājan* to mean anyone who exercises the ruling function. In some cases, Kumārila further observes, the title was applied even to governors of districts (*māṇḍalika*), although they were not independent but were appointed to their posts by a paramount ruler. The people of Andhra (according to Śabara), those of Draviḍa (according to Kumārila), applied the title to all Kshatriyas irrespectively of their

exercise of the ruling function or not. The conclusions of the two commentators are sharply opposed to these popular interpretations. The title *rājan*, says Śabara in reply to a hypothetical *prima facie* argument, must not be taken in its etymological sense, but it relates to the particular (Kshatriya) caste, its application to the Brāhmaṇa and the Vaiśya being due to its association with sovereignty (*rājya*). The term *rājan*, similarly observes Kumārila in reply to the same type of argument, denotes the Kshatriya alone, its application to the Brāhmaṇas and so forth who are engaged in the Kshatriya's function being justified only by the maxim of substitution (*pratinidhinyāya*). The above extracts indicate in the first place how popular usage had overstepped the narrow limits of canonical interpretation of the royal title in two directions. Firstly, it was applied to kings independently of their birth and even of their status as sovereign rulers. Secondly and still more loosely, it was given to all Kshatriyas irrespectively of their status as rulers. In a strong reaction against these tendencies the *Mīmāṁsā* authors stand strictly by the canonical significance of the term in the sense of a ruler of the Kshatriya caste. The extension of this title to non-Kshatriyas, they think, is only justified by extraneous argument based, as Kumārila says, upon the principle of substitution, or as Śabara explains more clearly, by virtue of their association with sovereignty.

THE QUESTION OF OWNERSHIP OF THE SOIL

Another discussion of the early *Mīmāṁsā* commentators is concerned with a problem bearing upon the *Smṛiti* theory of property. Explaining the significance of the *Viśvajit* sacrifice in which the sacrificer has to give away all his belongings, Jaimini in his original text (*Mīmāṁsā-sūtras*, VI 7. 1–2) says, 'That only should be given away of which one is the owner, and the land (*bhūmi*) should not be given away since it is common to all.' Commenting on this text Śabara observes that men enjoy lordship with respect to fields, but not with regard to the whole earth : the paramount ruler (*sārvabhauma*) is in this respect on the same footing as other men, the only difference between them being that he is entitled over and above to a certain share as his remuneration for protecting the rice and other crops : he is, however, not the lord of the soil. This important extract involves a clear rejection of the theory of the king's ownership of the State territory, while it confines the ruler's right to a share of the produce of the private lands as the price of his protection. This doctrine is at the opposite pole of that laid down by Manu, Kātyāyana and the *Smṛiti* authority of Bhaṭṭasvāmin in the extracts quoted before, namely, that of the king's ownership of the soil.

CHAPTER SEVENTEEN

NOTES

[1] In this chapter *Nāradīya-Smṛiti* and *Nāradīya-Manusaṁhitā* are quoted after their titles of law and their verse-references, Bṛihaspati is quoted after the chapter and

verse references, and Kātyāyana is quoted after the verse references. For fuller details *vide* list of authorities on Chap. XVII at the end of this volume.

[2] On the chronology and contents of the *Smṛiti* works of this period, *vide* P. V. Kane, *History of Dharmaśāstra*, vol. I, pp. 196-221. For a different view of the sequence of the three chief *Smṛiti* writers of this period making Nārada later than Bṛihaspati and probably also than Kātyāyana, *vide* K. V. Rangaswami Aiyangar (*Bṛihaspati Reconstructed*, Introduction, p. 139). The quotation in the text is from Kane, loc. cit.

[3] Somewhat different from the above is the translation of Dr P. V. Kane, op. cit. vol. II, p. 867 : 'For the practices (of *śishṭas*) are of great force, and the strict letter of the law is overruled by them.'

[4] In the above *nyāyaśāstra* and *nyāya* are translated by Kane, loc. cit., somewhat inconsistently as 'rule of justice' and 'sacred law' respectively.

[5] The above follows the reading *prajāpālanavetana* of *NM*. XVIII 45 in place of the corrupt reading of *N*.

[5a] *Āsedha*, a legal term in the *Dharmaśāstras*, is explained by Vij. on Yājñ. II 5 as 'restraint under the king's order'. For the elucidation of this term vide Kane, op. cit. VOL. III, p. 291.

[6] The completely different translation and interpretation of the two *Smṛiti* texts just mentioned by Dr K. P. Jayaswal (*Hindu Polity*, 1st ed., part II, pp. 179-83 repeated in 2nd ed., pp. 334-7) have been discussed by the present writer in an essay entitled 'On some texts relating to the ownership of the soil' in his work entitled *The Beginnings of Indian Historiography and other Essays*, pp. 158-66. We may reproduce here some of our main arguments. Quoting in the first place Kātyāyana's text, Jayaswal translates it in such a way as to mean that the king 'only becomes entitled to receive the one-sixth share of the produce from land, not (that he is master) in any way'. Similarly he translates Mitramiśra's explanation (*Rājanītiprakāśa*, p. 271) of the above so as to point to the king's 'want of mastership in land'. Now not only are the above translations far-fetched, but the gist of Kātyāyana's passage is given by a high authority (P. V. Kane in *Smṛitisāroddhāra*, p. 121 n.) in the following words : 'The idea underlying these verses seems to be that the king is the owner of all lands in the State . . . The actual cultivators of the soil have only a qualified ownership of soil.' In so far as the text of Bhaṭṭasvāmin is concerned Jayaswal, reading *sāmyam* for *svāmyam* in R. Shamasastry's edition of Kautilya's *Arthaśāstra* and rendering *pati* as 'protector' instead of 'owner', translates the whole passage as follows : 'The king is the protector (*pati*), according to the opinion of the learned in the *śāstras*, of the *bhūmi* (land) and water. Excepting these two whatever wealth there may be, his family members have sameness of right therein.' Now the question of correct reading of the crucial word has been set at rest by T. Ganapati Sastri who has *svāmyam* (and not *sāmyam*) in his scholarly edition of the work. Again Jayaswal's rendering of *pati* is negatived by the use of the term *adhipati* (explained as *prabhu* or lord by Medhātithi in his authoritative commentary) and of *īśvara* (having the same meaning) in the parallel passages of Manu (VIII 39) and King Someśvara III's *Mānasollāsa* (vol. I, 2 verses 360-61) respectively. Even admitting with Jayaswal the reading *sāmyam*, the whole passage should be properly translated as follows : 'The king is described by those who are learned in the *śāstras* as the lord of the soil and water : the householders have the same (right of property) in all things other than these two.'

[7] The above follows the reading *kshatram* of *NM* XVIII 32 in place of *kshetram* of *N* XVIII 34 which is clearly erroneous.

CHAPTER XVIII

THE LITERATURE OF THE *PURĀṆAS*—I
THE EARLY *MAHĀPURĀṆAS*

INTRODUCTORY

An ancient class of literary works called *Purāṇa*, which is generally joined with the term *Itihāsa*, may be traced back with the help of references in the *Atharvaveda*, the *Upanishads*, and the *Dharmasūtras* to an extreme antiquity. But all traces of this literature with the exception of a few quotations have been lost. In the present work we are concerned with the extensive literature of the extant *Purāṇas* dating from the early centuries of the Christian era, and comprising according to their own enumeration a list of eighteen distinct works called *Mahāpurāṇas* ('the major *Purāṇas*'). According to the strict definition of this branch of literature going back to Amara's lexicon (5th century A.D.), a *Purāṇa* has five characteristics, namely, creation (*sarga*), recreation, i.e., the periodical dissolution and reconstruction of the Universe (*pratisarga*), the genealogy of gods and sages (*vaṁśa*), the Age-cycles presided over by the fourteen Patriarchs in succession (*manvantara*), and the history of the dynasties (*vaṁśānucharita*). While these characteristics are found only in such of the existing *Purāṇas* as have preserved their original nucleus, they contain on the other hand a large mass of miscellaneous matter relating to the material of the *Smṛitis* as well as philosophy, grammar, architecture and other sciences. Above all they deal extensively with the cults of modern Hindu sects so as to constitute their respective canonical authorities. The political ideas of the *Purāṇas*, such as they are, lie scattered through their sections on cosmology, on the genealogical accounts of the ancient Patriarchs and their royal successors, on the duties of the castes and the orders, and so forth. We propose to deal here with the early works of this class reserving our consideration of the later *Mahāpurāṇas* for a subsequent chapter.[1]

EVOLUTION OF THE SOCIAL ORDER

The early *Purāṇas* present us with two parallel accounts of the evolution of the social order which are based upon the old dogmatic beliefs in the Divine creation of society, but are otherwise marked by a striking originality. The first account (*Vāyu Purāṇa* 8. 1–177 = *Brahmāṇḍa Purāṇa* 8. 1–172) states how Brahmā at the beginning of the present Creation-period, after raising the Earth from the Waters and dividing it into its component lands, mountains, seas and so forth, was filled with the desire to create mankind: He created four sets of human beings in pairs of one thousand each out of His mouth, breast, thighs and feet respectively, and He endowed them

respectively with the qualities of goodness (*sattva*), passion (*rajas*), mixed goodness as well as passion, and darkness (*tamas*) : they enjoyed complete equality without the distinction of castes (*varṇas*) and orders (*āśramas*), and they lived in perfect happiness, being impervious to heat and cold and having no houses or other residences. In the *Tretā* Age the beings at first found all their needs satisfied through the wish-giving tree and the honey not prepared by bees : when these disappeared through their greed, they felt heat and cold, and were perforce compelled to build for themselves houses, towns and villages : then the beings of the former Age were born as Brāhmaṇas, Kshatriyas, Vaiśyas, and Śūdras according to their respective deeds in previous births : when the medicinal herbs were destroyed through their greed, the people sought the help of Brahmā who, after creating for their means of subsistence the various kinds of crops, established their rule of life to the effect that those who protected the others would be called Kshatriyas, those who meditated on Brahmā while living under the protection of the Kshatriyas would be called Brāhmaṇas, those who lived by agriculture would be called Vaiśyas, and those who lived by serving others would be called Śūdras : when the people through delusion disregarded their duties and engaged in mutual strife, Brahmā fixed the respective duties and occupations of the classes, and He endowed the Kshatriya particularly with the qualities of strength, inflicting punishment, and making war.

The second account of the evolution of the social and the political order (*Vāyu Purāṇa* 57-8=*Brahmāṇḍa Purāṇa* 62) occurs in the course of a lengthy description of the characteristics of the four successive Age-cycles in the Age of the present Manu (*manvantara*). At the beginning of the *Tretā* Age, we read, the Seven Sages proclaimed the duties prescribed in the *Vedas* (such as those relating to marriage and offerings to the Sacred Fire), while Svāyambhuva Manu proclaimed the duties prescribed in the *Smṛitis* (such as those relating to the castes and the orders), both these sets of duties having been laid down by the Creator : in the *Tretā* Age long life, intelligence, strength, beauty, health and piety, were common to all : when the people being led by delusion neglected those duties and fell into mutual strife, they approached Manu : the sage for their sake begat two sons who became the first two kings : this was the origin of kings who were wielders of the rod of punishment, and they were so styled as they pleased their subjects.

In the above passages the authors seek to fit the old Vedic dogmas of Divine creation of the social order into their theories of succession of the time-cycles. The first account opens with the story of the Divine creation of beings such that while they were divided on lines anticipating the later division into castes, they otherwise enjoyed perfect equality as well as complete happiness in their appropriate physical environment. With the fall of these beings from their pristine state of purity they were transformed into humans, and they were divided into the four well-known castes in accordance with the law of *karma*. The further fall of man led to the Divine creation of social order based on the division of duties and occupations.

The second account, which may be regarded as a supplement of the first, begins with the creation of a social order by the sages after the twofold Divine ordination of individual duties as set forth in the canon and it concludes with the creation of the State by a sage at the people's instance because of their lapse into sin. The joint effect of the above theories in contrast with the simple Vedic and *Smṛiti* doctrine of earlier times is to indicate the creation of society and the State in successive stages by divine (or semi-divine) beings, so as to keep pace with man's growing degeneracy and decline.

THEORIES OF THE LAW OF THE SOCIAL ORDER

The theories of the law of the social order in the early *Purāṇas* may be traced principally along three lines. In the first place *Vāyu Purāṇa* (57. 42–6), after stating (as mentioned above) how the duties prescribed in the *Vedas* and the *Smṛitis* were proclaimed respectively by the seven sages and Manu, observes that the texts (*mantra*) of these works spontaneously manifested themselves before them through their spiritual merits at the beginning of the *Tretā* Age : while the four Vedas were proclaimed by the seven sages, the duties prescribed in the *Smṛitis* were announced by Manu. At the end of every complete cycle of the four Ages, similarly observes *Vishṇu Purāṇa* (III 2. 44–5), the *Vedas* are disturbed, and the seven sages descending from heaven to earth re-establish them, and at every *Kṛita* Age-cycle Manu is born as the author of the *Smṛitis*. In these extracts the authors, repeating with a slight change a late *Smṛiti* view (that of *Parāśara-Smṛiti*) quoted elsewhere, mention the doctrine of periodical declaration of the canon (with its scheme of duties) by divine and semi-divine beings. This marks, as we have stated elsewhere, an attempt to reconcile the *Smṛiti* dogma of immutability of the canon with the Purāṇic theory of periodical dissolution and creation of the universe.

In the second place *Vāyu Purāṇa* (57–8), in the course of its long description of the characteristics of the *Tretā*, *Dvāpara*, and *Kali* Age-cycles, observes (58.5) that the law (*dharma*) which existed in the *Kṛita* Age was established in the *Tretā* Age and becoming confused in the *Dvāpara* was lost in the *Kali* Age. What can be won in one year in the *Tretā* and in one month in the *Dvāpara*, it continues (58.72), can be earned in a whole day and night by a wise man performing work according to his capacity. Similarly *Vishṇu Purāṇa* (VI 1.58) concludes its long description of the evils of the *Kali* Age with the statement that the high spiritual merit such as can be earned with austerities in the *Kṛita* Age is acquired with slight effort in the *Kali* Age. This is illustrated in the following chapter by a sage's explanation of his praise of the *Kali* Age. Of the fruits of austerities, continence, muttered prayers and so forth, he says, what can be earned by the twice-born men in ten years in *Kṛita*, in one year in *Tretā* and in one month in *Dvāpara* is won in a whole day and night in the *Kali* Age : in the *Kali* Age a man can acquire

with slight effort an excess of *dharma*. In the above passages the authors repeat a principle of the late *Smṛitis* dealt with by us in the preceding chapter. This is the principle of proportionate decline in the quantum of *dharma* accompanied with an equally proportionate increase in the facility of its acquisition during the successive Age-cycles. This involves, as we have observed before, an application of the old *Smṛiti* idea of adjustment of the law to the declining capacities of men due to the efflux of time.

In the third place we may quote a short extract (III 11. 5–7) of the *Vishṇu Purāṇa*. Here a sage, being asked to explain the good conduct of the householders, first enjoins observance of the ends of Virtue (*dharma*), of Wealth (*artha*) not opposed to Virtue, and of Pleasure (*kāma*) not opposed to both with equal attention. Then we are told after Manu (IV 176) quoted in Chapter VIII above that while one should give up Wealth and Pleasure conflicting with Virtue, he should give up even what is enjoined as Virtue if it is attended with unhappiness in the future and is hateful to the people. This last statement involves a principle which is as old as the *Smṛitis* of Manu and Vishṇu. This is the principle of invalidation of canonical injunctions on the ground of their patent immorality and conflict with public opinion.

AUTHORITY AND OBLIGATION OF THE TEMPORAL RULER

The early *Purāṇas* repeat the double doctrine of authority and obligation of the temporal ruler known to the *Smṛitis* from early times. As regards the former principle we may refer firstly to the second version of the theory of social evolution quoted above, according to which the people fell into strife because of neglect of duties, and the sage Manu thereupon at their request created the first two kings. When the sage Kaśyapa had created the world, we are told in a shorter extract (*Vāyu Purāṇa*, 70. 1–27), Brahmā consecrated the chiefs of the Gods, the Demons, the Fathers and so forth to lordship (*ādhipatya*) over their respective classes, and he consecrated Manu, the son of the Sun to lordship over men. Other references are found in the stories of individual kings. When King Kuvalāśva marched forth to fight with a demon, we are told (*Vāyu Purāṇa*, 88.49), Vishṇu entered his person with His own lustre. Again we are told (ibid. 88.69) that King Māndhātā, according to those versed in the *Purāṇas*, was born out of the body of Vishṇu. The King, says Queen Madālasā (*Mārkaṇḍeya Purāṇa*, 27. 21–5) in the course of her instruction to her son, should in the process of administration of his kingdom assume the form of five deities, namely, Indra, the Sun, Yama, the Moon, and Wind : the king should gratify the people by grant of remissions, just as Indra gratifies them by bestowing rain for four months in the year : he should collect customs duties and so forth by subtle means, just as the Sun absorbs water with his rays for eight months in the year : he should behave impartially towards friends and foes, just as Yama punishes friend and foe (equally) at the proper time : when the people enjoy happiness under the king's rule as one is happy at the sight of the full moon, there occurs

the king's behaviour like the moon : the king should set his spies upon his subjects in the towns, upon his ministers and friends, just as the Wind moves secretly among all men. In the above passages the authors, following the precedent of Manu and of Bhīshma in the *Mahābhārata*, base the king's authority upon the double doctrine of his Divine origin and quasi-divine functions. We have, firstly, the theory of the Divine (or semi-divine) creation of the king, forming according to one account part and parcel of the universal institution of kingship by the Divine will, and involving in another account the king's incorporation of Vishṇu's personality. We have, in the second place, the theory of equivalence of the king to the gods by parity of functions.

Turning to the complementary principle of the king's obligation, we have first to observe that the theory of the divine (or semi-divine) creation of the king above mentioned charges him implicitly with the obligation of protection. Again, *Vishṇu Purāṇa* (III 28. 21–40), in the course of an enumeration of the duties of castes, says that the Kshatriya's principal occupation consists in living by arms and protecting all : the king, it adds, shares in the merit of performance of sacrifices (by his well-protected subjects). The king who protects creatures completely, says *Mārkaṇḍeya Purāṇa* (27. 31), is rewarded with a portion of (their) spiritual merit (*dharma*). The above lesson is repeated more explicitly in the stories of individual kings. A sage, cursing a king for failure to protect his injured wife, observes (*Mārkaṇḍeya Purāṇa*, 114. 36) that the Kshatriyas wield arms so that the very name of the afflicted may not be heard. Princes, King Marutta is reminded by his grandmother (ibid. 129. 28–40) when urging him to deliver some sages from oppression, can enjoy themselves only so long as they are not sprinkled on the head with the water of consecration : kings, we are further told, devote themselves day and night to their occupation, and should never be self-indulgent : kings exist not for enjoyment, but for enduring great pain to the end of protecting the earth and fulfilling their own duty (*dharma*) : kings fulfilling this twofold obligation no doubt suffer great pain in this world, but they earn everlasting happiness in heaven. Concluding her message the Queen says that King Marutta, by punishing the wicked and cherishing the good, would earn one-sixth of the spiritual merits (*dharma*) (of the well-protected subjects), but should he fail to give protection he would incur all the sins of the evil-doers. The king who punishes the guilty and cherishes the good, says King Marutta to his father in reply to the latter's repeated plea for sparing the oppressors of the sages (ibid. 130–31), wins heaven ; but he who disregards his obligation goes to hell. One who stands in the way of the king's protection of his subjects, says Marutta as a corollary of the above, be he friend or relative or father or preceptor must be slain by him. Finally, we may quote (ibid. 132.11) the words of King Narishyanta, son of Marutta, while recalling the achievements of his ancestors. High merit, says he, belongs to the king who rules his dominion according to law (*dharma*), while the sinful king who fails to afford protection goes to hell. In the above passages the authors evidently concentrate on that aspect of the old *Smṛiti*

theory of the king's obligation which is based upon the law of his order. Protection of the subjects, we are told, is the king's imperative obligation, so much so as to leave him no room for self-indulgence. As in the old *Smṛitis* this is accompanied by a twofold sanction. The king, we read, reaps the reward or penalty of his own *karma* and shares in the good or bad *karma* of his subjects according as he fulfils, or fails to fulfil his obligation.

Some further light is thrown upon the ideas of kingship in the early *Purāṇas* by their versions of the stories of the tyrant Veṇa and his illustrious son Pṛithu. These, however, do not bear comparison with the original version of the story in *Mahābhārata* XII 59 quoted elsewhere (Chapter X) from the point of view of philosophical significance. The link between the earlier and the later versions is furnished by a story in the *Harivaṁśa*, a work going back probably to the first or the second century A.D., which announces itself as a supplement of the *Mahābhārata*, but really partakes of the characteristics of a *Purāṇa*. Introducing Veṇa as the son of the Patriarch Aṅga, the *Harivaṁśa* account (V 3–30) states that on coming to the throne he established a social order contrary to *dharma*, and he disregarded the *dharma* of the *Vedas* while following its reverse. During his reign Vedic study as well as the performance of Vedic rites and sacrifices was stopped: not only did he sternly forbid offerings to the Sacred Fire as well as sacrifices in honour of the gods, but he claimed these honours for himself. To the remonstrance of the great sages who reminded him of his agreement (*samaya*) for protection of his subjects, Veṇa made the impious and arrogant reply that he was the creator of duties (*dharma*) and the source of all creatures, whereupon he was belaboured by the angry sages: out of his right arm 'churned' by the sages came forth Pṛithu in full panoply. Then the gods headed by Brahmā as well as all creatures, mobile and immobile, came to the spot and consecrated Pṛithu as the first king: he was called *rājā* as he gratified the subjects who had been alienated by his father. In the concluding portion of the story (V 44–56; VI 1–55) the author tells us how Pṛithu at the instance of his subjects forced the Earth-goddess to yield for them the means of subsistence. The story ends with a high eulogy of Pṛithu, the first king (*ādirāja*).

The slight significance of the above version in contrast with its counterpart in the *Mahābhārata* is indicated by the difference in their very contexts. For while Bhīshma's story forms the last and the most important act in a drama turning on the question of the origin of kingship, the story in the *Harivaṁśa* is narrated in the course of a series of genealogical accounts (*vaṁśas*) of the Patriarchs. In other words the later version, unlike the earlier, makes no claim to lay down a philosophical theory of the origin of kingship (or more generally of the State), but on the contrary is narrated as a legendary and edifying tale of ancient times. In harmony with this difference of outlook the *Harivaṁśa* is completely silent about the pre-political condition of man, but on the other hand begins with a reference to the Patriarch Aṅga, father of Veṇa, who was born in the lineage of the sage Atri. The *Harivaṁśa*,

again, while developing the narrative portions of the original story (such as the controversy between Veṇa and the sages), makes no reference to its philosophical implications (such as those connected with 'the instrument of government' and 'the coronation-oath' imposed upon Pṛithu by the gods and sages as well as the establishment of his authority by the act of God Vishṇu). The *Harivaṁśa* nevertheless has preserved the memory of an agreement made by the king for the protection of his subjects (although this is attributed to Veṇa instead of Pṛithu) as well as the doctrine of Divine creation of kingship. On the other hand the swift and terrible punishment of Veṇa by the sages for his impious claim to divine honours may be taken to convey the author's sense of limitation of the principle of the subjects' obedience to their ruler.

The story of Veṇa and Pṛithu occurs in the early *Purāṇas* in three more or less parallel versions. Veṇa, son of the Patriarch Aṅga, we read in the first version (*Vāyu Purāṇa*, 62. 104–93 = *Brahmāṇḍa Purāṇa*, 68. 104–93), was unrighteous and self-indulgent, and he rejected the *Vedas* and adopted unrighteousness. 'No sacrifices were to be performed and no offerings were to be made to the Sacred Fire', such was the fierce resolve of this doomed king : on the contrary, the twice-born classes were to perform sacrifices, and the offerings were to be made to the Sacred Fire in his own name. The great sages, wishing to undertake a long sacrificial session, addressed him a remonstrance, reminding him that his act was contrary to the eternal *dharma*, and that he had formally undertaken to protect the people. To this the tyrant made the haughty and impious reply that he was the root of the whole world and especially of the Sacred Law (*dharma*), and that he excelled all others in knowledge and character as well as in might. Failing to bring him to reason, the great sages wrung his right arm out of which came forth Pṛithu in full armour : the rivers and the seas brought forth from all sides jewels and water for his consecration, while Brahmā Himself with the gods as well as the whole movable and immovable world came forth to consecrate him to supreme lordship : he became known as *rājā* as he pleased his subjects who had been alienated by his father's tyranny : at the prayer of the subjects Pṛithu went through the process of milching the earth so as to provide subsistence for them. As at the beginning so at the end the story gives high praise to Pṛithu. He was the first ruler to be consecrated to the *Rajasūya* sacrifice, and he was the first king (*rājan*). By his success in ruling he made himself the object of regard to all creatures : the learned Brāhmaṇas, the kings, the warriors and the Vaiśyas should salute him.

A slightly different version of the above occurs in *Vishṇu Purāṇa* (I 13. 11–87) in the course of its genealogical account of the sages and sage-like kings. Veṇa, son of Aṅga, we read, after his consecration by the sages, issued a proclamation forbidding performances of sacrifices as well as offerings to the Sacred Fire and religious gifts, and claiming these honours for himself. When the sages asked his permission to worship God Vishṇu at a long sacrificial session, the king made the haughty and blasphemous reply that

Brahmā, Vishṇu, Śiva and other gods exist in the person of the king who is in fact a component of all the deities. Obedience to his order, he declared, was the duty of the sages 'just as serving the husband is regarded as the principal duty of the wife'. When Veṇa rejected their repeated prayers for the above permission, the angry sages killed him, saying that the vile man who reviled the Great Deity without beginning and without end was unfit for kingship. When the country was thus left without a king, robbers flourished so extensively as to raise dust-storms with their march. To end this state of things, the sages decided to raise an issue to the late king by 'churning' his limbs. When they pressed his right arm, out came Pṛithu in full armour : the rivers and the seas joined in bringing offerings for Pṛithu's consecration, while the gods headed by Brahmā as well as the whole creation came forth to consecrate him : Brahmā discovered Pṛithu to be a portion of God Vishṇu after seeing the sign of the discus on his right arm : when the people complained that all plants had been swallowed up by the earth in the days of anarchy and appealed to Pṛithu as the divinely ordained provider of subsistence for themselves, Pṛithu milched the earth-goddess for their benefit.

The longest version of the Veṇa-Pṛithu legend is found in *Bhāgavata Purāṇa* in a series of chapters (IV 13.16–23.39) in the course of its genealogical accounts of the sages and the kings. Introducing the story the author tells us how the sages desiring to hear the same ask for what offence the ascetics versed in the law uttered the Brahmanical curse against Veṇa. The king even though at fault, the sages argue, must not be despised by the subjects, for he carries with his own might the strength of the Regents of the Quarters. In reply the sage Maitreya first states that King Aṅga obtained the boon of a son through the favour of God Vishṇu : this son called Veṇa grew to be such a vicious lad as to drive his father in grief to retire to the forest : when the sages found that the people in the absence of a protector were sinking to the level of beasts, they reluctantly consecrated Veṇa as ruler, with the result that the robbers immediately disappeared 'like rats in the presence of snakes'. Filled with pride in the possession of the eight superhuman faculties (*vibhuti* in the original, explained by the commentator Śrīdharasvāmin as 'the high qualities of the eight Regents of the Quarters'), Veṇa issued a proclamation by beat of drum forbidding the performance of sacrifices, religious gifts and offerings to the Sacred Fire. The bewildered sages addressed him a remonstrance reminding him *inter alia* of the high reward attending the king who while collecting the taxes protects his subjects against dishonest officers as well as robbers, and asking for the restoration of their sacrificial performances. To this the tyrant made a haughty and blasphemous reply couched in language more vulgar than in the other Purāṇic versions. In sharp words they were reminded that their devotion to the Lord of Sacrifice in place of the giver of their subsistence was like that of a bad woman to her paramour, that no bliss attended one who despised the god in the form of a king, and that all the gods capable of blessing and cursing

people resided in the person of the king who was indeed a compound of all the deities. They were therefore required to perform the sacrifices and make the offerings to himself. For this offence of slighting Vishṇu the angry sages declared Veṇa to be unfit for the throne and killed him with their indignant shouts. The vacancy in the throne became the signal for depredations of the robbers on such a wide scale that they raised dust-storms with their onrush. The sages desiring to perpetuate the line of King Aṅga 'churned' the dead king's limbs. When they 'churned' his two arms, out came a human pair, Pṛithu and his wife, who were held by them to be personal manifestations of Vishṇu and his wife : Brahmā, the Lord of the World, having come to see Pṛithu recognised him by the signs on his person to be a partial manifestation of Vishṇu : when the Brāhmaṇas learned in the Vedic lore consecrated him, the rivers and the seas, the hills, the earth and heaven and all creatures brought the articles needed for this ceremony, while the gods in heaven gave him other presents. At a great sacrificial session Pṛithu addressing the assembly declared (IV 21. 20–42) that he had been ordained by Brahmā for ruling over the people so that he might protect them and establish them in their respective duties. The king who collects taxes from his subjects without instructing them in their religious duties, the king further observed, acquires their sins and loses his own greatness.

In trying to estimate the philosophical significance of the above stories we have first to observe that they are all set forth in the context of narratives of genealogies of gods and sages, while the purpose of their narration is stated in true Purāṇic style to be the edification of the people. It is evident that they do not attempt to present us with a philosophical theory of the origin of kingship and the ruler's resulting relation with his subjects. Nevertheless it is possible to glean from them the authors' ideas relating to the two old complementary principles of the authority and obligation of the temporal ruler. Thus in the first place we are told in the *Vishṇu Purāṇa* and still more in the *Bhāgavata Purāṇa* that the State of Nature without a king is synonymous with wild anarchy. The stories again tell us how after Pṛithu had been created as king by the act of the sages the gods themselves joined in his consecration. To this *Vishṇu Purāṇa* and *Bhāgavata Purāṇa* add that the physical sign on Pṛithu's body proved him to be a portion of Vishṇu. It is, again, significant that even the tyrant Veṇa is stated in the *Bhāgavata Purāṇa* to have been gifted with superhuman faculties. With these ideas is joined in the version of the *Bhāgavata Purāṇa* the conception of the subjects' obligation to honour their ruler. The above extracts repeat two principles of the authority of the temporal ruler on the lines laid down by Manu and by Bhīshma in the *Mahābhārata*. These are, firstly, the conception of the king's office as the grand safeguard of individual and collective security, and secondly, that of the king's Divine ordination as well as of his 'divinity' involving at the least his endowment with superhuman qualities and at the best his incorporation of Vishṇu's personality. From the above follows as a corollary the subjects' obligation of obedience to their ruler. In

the second place, it is remarkable that the sages' remonstrance reminds Veṇa of his general agreement for protection of his subjects and his breach of the eternal *dharma* (*Vāyu* and *Brahmāṇḍa Purāṇas*), as well as of his obligation of protection in return for taxation (*Bhāgavata Purāṇa*). In the version of the *Bhāgavata Purāṇa*, moreover, Pṛithu makes pointed reference to his divinely ordained obligation of protection as well as his duty of benefiting the people in return for taxation. These statements evidently refer to the threefold principle of the king's obligation according to the *Smṛitis*, namely, the divine, the ethico-religious, and the quasi-contractual, not to speak of the general *Smṛiti* principle of the supremacy of *dharma*. Finally it is significant that the principle of the king's authority in its extreme form, involving his exclusive claim to divine honours and the subjects' obligation of unquestioned obedience to his command, is put into the mouth of the tyrant Veṇa only to justify his deposition and death at the hands of the aggrieved sages. This seems to indicate the authors' sense of the limits of the doctrines of the king's divinity and the obedience of his subjects.

THEORY OF COERCIVE AUTHORITY OF THE TEMPORAL RULER

The ideas of coercive authority (*daṇḍa*) of the ruler in the early *Purāṇas* are reflected in the first instance in their stories of the evolution of the social order quoted by us at the beginning of this chapter. In these stories we are told that the Kshatriyas were ordained by the Creator for the infliction of *daṇḍa* because of man's falling into sin, and that the two kings originally created by the sage Manu for the same reason became the wielders of *daṇḍa*. Conversely, we are told (*Vāyu Purāṇa*, 49. 103) that in Śākadvīpa where the people are perfect there is neither *daṇḍa* nor its wielder, but on the contrary, the people versed in righteousness protect one another through the observance of their duties. In Pushkaradvīpa where the people are perfect, we read in two later passages (ibid. 115 & 140), Brahmā Himself wields *daṇḍa*. In the above the authors seem to develop, though not with consistency, the view of Manu and Bhīshma that *daṇḍa* has its origin in man's sin, and is likewise the divine remedy for man's sin.

PRINCIPLES AND POLICIES OF GOVERNMENT

We shall conclude this chapter with some reference to the ideas of the early *Purāṇas* regarding the principles and policies of government. The king, says Queen Madālasā (*Mārkaṇḍeya Purāṇa*, 27. 5 ; 10–13) in the course of her instruction to her son on the duties of the Kshatriyas, should shun the seven vices: the king again should bring under his control first himself, then his ministers, then his servants, then his subjects and finally his enemies: should the king seek to conquer his enemies without controlling himself, he would be overpowered by them : the king should compel a man's relations to perform funeral ceremonies for him when he has no nearer ones, for the king is a friend of all. The stories of good kings in the early *Purāṇas* further

reflect the authors' views of governmental principles and policies. We may quote here a few typical examples. Of king Yayāti we are told (*Vāyu Purāṇa*, 93. 65–7) that he gratified the gods with sacrifices, the Fathers with funeral offerings, the poor with favours, the Brāhmaṇas with things at their desire, the guests with food and drink, the Vaiśyas with protection, the Śūdras with kind behaviour and so forth : Yayāti gratified all people in accordance with the law (*dharma*) and protected them like a second Indra. With King Kārttavīryārjuna protecting his subjects in accordance with the law, we are told elsewhere (ibid. 94. 22), no one was robbed of his property and none suffered bereavement. In another story (ibid. 88. 81f.) we are told how a king drove his son to live among outcastes (Chaṇḍālas), as the son was addicted to unlawful acts. The popular sense of the supremacy of law is illustrated by other stories. In the story of Veṇa quoted above we are told in the versions of the *Vāyu* and *Brahmāṇḍa Purāṇas* that the great sages in their remonstrance to the king reminded him that his command forbidding the performance of sacrifices was contrary to the eternal *dharma*. When Yayāti proceeded to consecrate his younger son as Crown-Prince in preference to his other sons, we read elsewhere (*Vāyu Purāṇa*, 93. 76f.), the Brāhmaṇas and other classes sharply protested against this breach of *dharma*. It is, therefore, no wonder that *dharma* is mentioned (ibid. 57. 74–5) as one of the four possessions of kings in the *Tretā* Age. The above extracts involve a number of governmental principles recalling the best *Smṛiti* tradition on the point. These principles are concerned with the king's obligation of self-control and his submission to the law (the former being regarded as the prerequisite of his successful administration at home and abroad and the latter being held to be the essence of his office), as well as his benevolent rule over every class of his subjects.

CHAPTER EIGHTEEN

NOTES

[1] On the literature of the *Purāṇas*, *vide* M. Winternitz, *History of Indian Literature*, vol. I, pp. 517-30, and Dr P. V. Kane, *History of Dharmaśāstra*, vol. I, pp. 160-61. For special study of the *Smṛiti* material in the same *vide* the monograph of Dr R. C. Hazra entitled *Studies in the Purāṇic records on Hindu Rites and Customs*, (Calcutta 1940). The *Smṛiti* material in the *Purāṇas* is arranged subject-wise by Kane, op. cit. vol. I, pp. 164-7, and *Purāṇa*-wise by Hazra, op. cit. pp. 174-89. Distinguishing two successive chronological periods in the history of the *Purāṇas*, Hazra (ibid. pp. 188-9) observes that in the former period (3rd to 5th century A.D.) the *Smṛiti* material corresponded to the subject-matter of the early metrical *Smṛitis* like those of Manu and Yājñavalkya, while the latter period (*post* 6th century A.D.) saw the incorporation of topics unknown to the older *Smṛitis* like the various kinds of gifts, the propitiation of planets, the consecration of images and the glorification of Brāhmaṇas and holy places.

CHAPTER XIX

(A) THE WORKS OF BUDDHIST LITERATURE— III THE WORKS OF THE BUDDHIST POETS AND PHILOSOPHERS

EVOLUTION OF THE WORLD AND OF MAN AND HIS INSTITUTIONS

We have endeavoured in two previous chapters (Chapters IV and XVI) of this work to analyse the political ideas involved in the stories of the Buddhist 'Book of Genesis' in the canonical and non-canonical works of the period roughly extending from the sixth century B.C. to the third century A.D. The works of the Buddhist philosophers to which we now turn give us parallel, although imperfect, versions of the original canonical story. In the beginning, says a memorial verse (III 98) in Vasubandhu's *Abhidharma-kośa* ('The Treasure of Abhidharma'), the beings resembled the gods of *rūpa*, and then gradually under the influence of greed and idleness they laid by provisions for themselves, and finally dividing their fields they set up a protector of the same for a remuneration. These references are explained in the author's own commentary on the verses quoted above. Introducing the text the author puts the question whether the men at the beginning of the Cosmic Age had kings, and he answers this question in the negative. At the beginning of the Cosmic Age, we read, the men resembled the beings of *rūpadhātu* who were born of the spirit with all members complete and intact, of beautiful figure and complexion, self-luminous, traversing the air, subsisting on joy and long-lived : when the beings imitating a lazy fellow in their midst laid by a provision of rice (for the morrow), there arose among them 'the idea of mineness', 'the idea of property' : when the rice being cut ceased to grow, they divided the fields such that each became the owner of a field. Passing to the origin of kingship, the author says that when the beings forcibly seized the possessions of the others, there came the beginning of theft : to prevent this they joined together to give one-sixth of their possessions to a distinguished man who would protect their fields : to this man they gave the name of 'lord of the fields' (*kshetrapa*), and thence he received the title of Kshatriya : as he was highly esteemed (*sammata*) by the multitude (*mahājana*) and as he gratified his subjects, he was called *rājā Mahāsammata*. The author concludes with a slight reference to the origin of the social divisions following that of kingship. Those who abandoned the householder's life, we are told, received the name of Brāhmana.[1]

The second non-canonical account of cosmic and human evolution occurs in Chapter XIII of the work called *Visuddhimagga* ('The path of purity') written by the celebrated Buddhist scholar Buddhaghosa. The author first describes how the beings originally possessed god-like qualities and were

subsequently transformed into humans. Referring briefly to the origin of property, the author next observes that when rice lost its self-ripening quality through the sins of those beings, they instituted boundary lines for their fields. Passing to the origin of kingship, the author observes in the next place how one of them stole another's share, and how when he was found guilty for the second and the third time in spite of warnings, he was struck by the others: thus the vices of theft, censure, falsehood and violence appeared among them: thereupon they decided to elect one who should be angry with him who merited anger, should reprove him who merited reproof and should banish him who merited banishment and to whom in return they would give a share of their rice. Identifying this last-named person with the Buddha, the author next tells us how the beings elected the Blessed One living among them as the future Buddha, who was 'the handsomest, the most pleasing of appearance, possessing the greatest influence and wisdom and able to raise up and put down': he was called *Mahāsammata* ('Great Elect') as he was elected by the multitude, *khattiya* as he was lord of the fields, and *rājā* as he gratified his fellows by his even justice. The author concludes his account with a brief reference to the origin of social divisions. For he says that after the order of *khattiyas* had been formed with the future Buddha at its head, the Brāhmanas and other castes arose by degrees.[2]

Such, then, are the theories of evolution of the world and of man that we find in the works of the two Buddhist authors quoted above. In analysing the principal features of these theories, we have to repeat for the most part what we have observed before (Chapter IV above) in the case of their original version in the Pali canon. The stories begin with a primitive State of Nature in which the beings descending from heaven retained their old god-like forms and attributes. In the subsequent process of retrograde evolution these beings under the influence of greed lost their original physical and mental stature, and were transformed into ordinary mortals with their distinctive bodies and passions. A direct consequence of this progressive Fall of Man was the rise of the institutions of property and the State. In the stories we are told how the fields were demarcated and allotted to the individuals by mutual agreement. This involves the theory of creation of property rights by means of popular agreement, thus implying a kind of Social Contract for the foundation of a rudimentary social order. It was the failure of this organisation to safeguard the institution of property because of man's further moral downfall that led to the institution of kingship. This was done by popular election based upon a mutual agreement between the people and the most distinguished individual in their midst, the former undertaking to pay him their share of the agricultural produce, and the latter to protect their properties and more generally to punish offenders. This involves the theory of creation of the State by a Governmental Compact of a bilateral character. To the subsequent development of a complex social organisation based on the division of labour, such as is met with in the earlier canonical accounts, our authors make but the slightest reference.

RELATION OF POLITICS TO ETHICS

The old Buddhist conception of the relation between Politics and Ethics is dealt with at great length by the poet Āryaśūra in his work called the *Jātakamālā* ('The Garland of Stories'). It is because of the spiritual merit of the lords of the earth, we are told in the first story (VI 10–11), that high ministers and rulers bear like excellent horses, with pleasure and without pride, the yoke of their command : contrariwise, if the kings are devoid of spiritual merit evil fortune attends them, though they may ever move about on the path of policy (*nīti*). In a second story (no. VIII) a cowherd, eulogizing the virtuous ruler of his land for his success in establishing the complete security and prosperity of his subjects, observes (ibid. 14) that his strength rests not upon his army but upon friendliness (*maitrī*), that he knows no anger, nor speaks harsh words, that the *dharma* which he follows is (just) policy (*naya*) and not the base science of statecraft (*nīti*). In the third story (no. IX), that of Prince Viśvantara, of which the parallel version in the Pali canon has been analysed by us elsewhere (Chapter IV above), the author eulogizes the Prince's act in giving away a much prized elephant to some Brāhmaṇa suitors (really, emissaries of an neighbouring king). The Prince, we read (ibid. 10), knew the royal science (*rājaśāstra*) in which the path of Virtue (*dharma*) is lost through following Wealth (*artha*), and yet out of his attachment to righteousness he gave away the great elephant without being frightened by the falsehood of statecraft (*nīti*). We are next told how the king's subjects remonstrated with him against the conduct of his too charitable son. How should, they complained (ibid. 15), royal fortune attend this Prince who thus strays from the path of statecraft (*naya*): because of his indifference to statecraft arising from his attachment to righteousness (*dharma*), they declared (ibid. 18–19), the Prince is fit for residence in a penance-grove : the faults of bad policy on the part of kings, they concluded, fall upon their subjects. In a fourth story (XI 3) we are told that when the demons attacked God Śakra, he felt, virtuous though he was, the frenzy of fighting within his heart, since he was prompted to do so by the pride of his enemies, the danger of his own men, his own high spirit and the line of conduct along the path of statecraft.

The above conception of the fundamental contrast between Politics and Ethics is repeated by the author in other extracts. That the ties of friendship, we read in the course of a fifth story (XIX 27), are suddenly loosened, that men enter the path made unclean by the deceit associated with statecraft (*nīti*), that they lose their good reputation and meet with sufferings hereafter, the cáuse thereof is verily Pleasure (*kāma*). When a great ascetic (who is no other than the Bodhisattva), we are told in a sixth story (no. XXIII), found favour with a virtuous king, the ministers and courtiers poisoned the king's mind against him out of jealousy and anger. Pretending to be a devotee of righteousness the ascetic, they observed, was inducing the king to observe such religious vows as were repugnant to Wealth (*artha*) and Pleasure (*kāma*), contrary to Kshatriya duties (*kshatradharma*) and infected

with bad policy (*apanaya*). One of these ministers subsequently instructed the king (ibid. 21) in the so-called *rājadharma* comprising the practices set forth in 'the Kshatriya science' (*kshatravidyā*). These practices, it is admitted, are contrary to righteousness (*dharma*) as following the crooked path of statecraft (*nīti*) and as being soiled by ruthlessness: the king, so ran the minister's instruction, should seek to acquire a good reputation for himself by acting as if in gratitude towards men so long as there is no advantage to be gained by the policy of their exploitation, but (in the contrary case) they should be employed in his service in the way that domestic animals are used in sacrifice. The ascetic subsequently had the opportunity of turning the table upon the minister in the presence of the king and his whole court. For when the minister reproved him for his alleged act in killing a monkey for its skin, the ascetic told the minister (ibid. 52–3) that this was justified by the policy taught in the technical science of polity to the effect that good behaviour (*sadvṛitta*) even towards relations might be neglected in case of one's need. This was also justified by the teaching of the science which did not condemn such an act for its cruelty and resulting evil. In a seventh story (no. XXVII) we read how a monkey-king, who almost wore out his life for rescuing his followers from certain death, is reminded by his captor, a human king, of the lesson of statecraft. This is to the effect (ibid. 17) that the ministers and others exist for the king's sake, and not vice versa. In reply the monkey-king, while admitting the above to be the lore of statecraft (*rājanīti*) gives his human counterpart a long lesson in the high ethical standards and principles of government to which we shall presently refer. In the eighth and last story (no. XXXI) we read how the virtuous Prince Sutasoma is urged by his father to break his pledge of returning to a monster addicted to human flesh. Following the path of untruth for the purpose of saving one's life and for the sake of one's superiors, the king argues, is no sin and is prescribed by the *Veda*. Those skilled in the science of Politics, it is further urged, declare it to be impolicy (*anaya*) and calamity (*vyasana*) for kings to follow Righteousness (*dharma*) which is demonstrably in conflict with Wealth (*artha*) and Pleasure (*kāma*). This advice is rejected by the Prince on the ground of his pledged word to the monster and his duty of befriending the latter. Proceeding with his narrative, the author tells us how the man-eater twits the Prince on his return with ignorance of statecraft. 'After being released by me', he says (ibid. 52), 'and reaching your home resplendent with the lustre of royalty, you have come back to me. For this reason you are proved to be unskilled in the ways of statecraft (*nītimārga*)'. In reply the monster is reminded of the nemesis of statecraft. 'What is the good', the Prince asks (ibid. 53), 'of skill in an art whose practice brings about certain fall from righteousness (*dharma*) without bringing in happiness'. Those who are wise, the Prince continues (ibid. 54), in directing their action along the path of statecraft (*nīti*) generally fall into calamities after death, and therefore he has left aside the tortuous path of *nīti* and come back for keeping his faith.

In the above extracts Āryaśūra repeats a principle which is as old as a Pali canonical text quoted elsewhere (Chapter IV), namely, that of antithesis and in fact antagonism, between Politics and Ethics. This view is justified by the author on the ground that statecraft is dominated by the ends of Wealth and Pleasure instead of Virtue, and that in particular it is based upon a creed of merciless and shameless exploitation of the subjects by the ruler in his own interest. The author's view on the question of the practical utility of Politics seems to be slightly self-contradictory. For, while in the first two passages he boldly states that statecraft is no substitute for morality even from the narrow point of view of political success, he appears in the two following extracts to justify the application of statecraft within its own sphere. Incidentally the author condemns what he thinks to be the standpoint of the Brāhmaṇa canonists, namely, that the need of self-preservation is above the moral law.

THEORY OF OBLIGATION OF THE TEMPORAL RULER

The ancient *Smṛiti* principle of the obligation of the temporal ruler towards his subjects is developed in a story (no. XXVII) of the *Jātakamālā* from which we have quoted above in part. Here the monkey-king, speaking to his human counterpart, justifies his supreme act of sacrifice on behalf of his afflicted followers. As his followers being always intent on carrying out his orders, he says (ibid. 15), have charged him with the burden of rulership, he has undertaken to bear the same with affection fixed on them as on his own sons. This lesson is amplified in the speaker's reply to the thoroughly sophisticated statement of his interlocutor quoted above, namely, that ministers and others exist for the ruler and not vice versa. It is, he says (ibid. 18), excessively painful to overlook the heavy and unbearable suffering even of one who is unacquainted with us, and it is much more so when those suffer who with minds intent on worshipping their lord, are like dear relations to us. An apt commentary is presented on the above by the speaker's reply to the human king's further question about the reward he has gained by despising his own welfare, and by taking upon himself the disaster threatening the others. He has, we are told (ibid. 27 ; 29–32), requited them the long succession of prosperity derived from his lordship over his followers who showed him reverence and other marks of attachment : he has obtained by his acts such merits as self-satisfaction gained by the requital of former benefits, honour from a king, fearlessness of death and approbation of the virtuous, while a king who is without mercy towards his dependants and is addicted to vices meets with the opposite of these virtues and can expect nothing but the fierce flaming fires of hell.

In the above extracts we are introduced to the principle that the temporal ruler's affectionate and indeed paternal treatment of his subjects is a corollary of their willing submission to his political authority. In other words, protection is the ruler's moral obligation towards the ruled in return for their obedience. To this the author adds the usual moral and spiritual

sanctions in the sense that the king's happiness both here and hereafter depends upon his fulfilment of this obligation.

The principle of the ruler's obligation towards his subjects is carried to the utmost pitch of development known so far in a remarkable extract of the work called *Chatuḥśataka* ('The four centuries of verses') of the philosopher Āryadeva. Here the author introduces his statement (IV 76) with the words that pride consisting in the feeling of self and mineness should not be entertained by a good man. This, says the commentator, is an admonition particularly addressed to kings, since they are excessively swayed by such sentiments. In the following verse (IV 77) the author, addressing himself to an imaginary king, puts to him the bold and direct question: 'How can you feel pride, you who are a mere slave of the multitude (*gaṇadāsa*) fed (*bhṛita*) by the one-sixth share (of the crops paid by the subjects)?' This question, the commentator plausibly argues, is an answer to the hypothetical argument that all undertakings depend upon the king, and therefore the king's pride is justified on the ground of his possessing this right. With equal cogency the commentator traces in the above text a historical allusion to the Buddhist theory of the origin of kingship: when it was found at the beginning of the first Age-cycle of the world, he explains, that seizing what has not been given had made its appearance, the great multitude (*mahājana*) appointed an individual as the opposing force (*pratibala*) for protection of their fields, and they fixed one-sixth of their crops as his sustenance. Short as it is, the above extract is an important landmark in the history of our ancient political ideas regarding the obligation of the temporal ruler towards his subjects. The doctrine that the king is bound to protect his subjects in return for the latter's payment of taxes is, as we have seen, hinted at as far back as in the *Dharmasūtras*. This conception of the quasi-contractual relation between the ruler and his subjects is provided with an historical justification in the Pali canonical story of the evolution of man and his institutions explained elsewhere. It is in the present extract that the above ideas are developed for the first time into the remarkable doctrine of sovereignty of the people with the king functioning as their slave or servant (*dāsa*) for wages. And yet it is remarkable that the author, to judge from the fragmentary extract available to us in the Sanskrit original, fails to develop his doctrine into a complete theory of the rights of the people, so as to justify for instance their resistance against a tyrant. In short, it does not involve a political philosopher's discussion of the mutual relations of the ruler and his subjects. On the contrary it embodies a moralist's stern repudiation of the ruler's claim to pre-eminence apparently based on such an argument as that referred to by the commentator after the old *Arthaśāstra* pattern, namely, that the king is the spring of the whole administrative machine.

THE PRINCIPLE OF POLITICAL RIGHTEOUSNESS

The early Buddhist conception of virtue or righteousness (*dharma*) as the basis of kingship is repeated and developed by Āryaśūra in the stories of his

Jātakamālā. Let us start with the author's descriptions of the characteristics of good kings. Of a king justly called Maitrībala ('he whose strength is friendliness'), we are told (VIII 3), that he did not infringe righteousness in the matter of rewards and punishments. Of a second king we read (x 1) that he set his whole heart upon the subjects' welfare and made righteousness the sole purpose of his actions and in fact was like Manu; and again (x 3) that being devoted to his subjects' happiness, he appeared like righteousness personified. Describing a third king, the author says (XIII 1–3) that he was as it were the embodiment of righteousness, that he was intent on doing good to his subjects, that his rules of policy (*daṇḍanīti*) followed the path of righteousness and made no difference between his kinsmen and the rest of his subjects, that perceiving the welfare of the people to be the fruit of righteousness he knew no other purpose than this, that he delighted with all his heart in the path of righteousness and never allowed others to violate it. In the story of Maitrībala quoted above we are further told that when the king out of compassion offered his own flesh and blood to five man-eating ogres (*yakshas*) as an act of piety (*dharmakarma*), and when the repentant monsters pressed him to disclose that exceedingly wonderful position and that penance for which he had disregarded even his royal person, he explained his purpose with remarkable clearness. He was not desirous, he observed (VIII 54–5), of royal fortune or even of the cessation of his own suffering, but was inspired by sympathy for the helpless afflicted creatures and was seeking omniscience (as a Buddha) with a view to saving the world from the troubled ocean of existence. In the above passage the author explains the principle of political righteousness so as to imply on the part of the ruler the qualities of impartial justice as well as whole-hearted devotion to his subjects' welfare and the spirit of universal sympathy for suffering accompanied with passion for its relief in disregard of his own interest.

The principle of political righteousness is discussed by the author with greater completeness in his references to the admonitions addressed to individual kings by wise beings. In the first story the Great Being, inculcating upon a king (XXII 66) the healthiness of his 'body of righteousness' (*dharmaśarīra*) so that it may emit 'the breath of pious discourses and gifts', observes (ibid. 94–9), 'Not by prowess, nor by the strength of his treasury, nor by the success of his policy, does the king attain that position which he can obtain without toil and expense, if he follows the right path consisting in the cultivation of virtues' (*guṇa*). Again he says that virtues are able to appease enemies, be their minds never so ferocious and be their jealousy never so deep-rooted: for this reason the king should foster the love of virtue among creatures by setting them an example by means of the undiminished splendour of his modesty and other virtues: the welfare of the subjects is the foremost duty of the king, and this end is attained when the king loves virtues, for the people follow the behaviour of their ruler. The king, we are told in a second story (XXIII 63–5), should avoid the company of those who are devoid of virtues and seek the company of those who

know how to foster virtues, and he should thus foster among the subjects the love of virtue and non-attachment to vice : with the king observing virtue, the people would mostly be guided towards good behaviour and be established in the path leading to heaven : as the king has to protect his people, he should betake himself to virtue : the king should purify his conduct, should earn the glory of a charitable giver, and should direct his mind to friendliness towards strangers as towards his relations. In a third story a wise being (XXVI 37–44), answering a king's question about the nature of righteousness, observes that it is summed up in compassion to creatures. The exhibition of compassion towards men as towards oneself or one's relations, he explains, weans away the heart from unrighteousness, while the lack of compassion corrupts the working of a man's mind, speech and body, in respect of his relations as well as strangers. The speaker concludes by exhorting the king to fortify his mercy towards all people as towards his own son and his own self and to glorify his royalty by winning the hearts of all people through his good behaviour. In a fourth story a wise being, concluding his admonition to a king (XXVII 32–4), observes that he should rule his kingdom with righteousness, that he should endow all (meaning his transport animals and troops, his subjects resident in town and country, his ministers, the recluses and the Brāhmaṇas) with such happiness as is conducive to their good as if he were their father : thus should the king prosper in Virtue, Wealth and Fame, thus should he enjoy happiness both in this world and the next: thus should he shine with the fortunes of the royal sages obtained by compassion towards his subjects.

The most impressive sermon on righteousness in relation to kingship is delivered (XXIX 49–58) in a fifth story by the Great Being to a misbelieving king whom he had just converted from his false doctrine and whom he pitied like a father pitying his son or a preceptor his disciple. Describing as the glorious path of heaven the conduct of former kings who behaved like good pupils towards recluses and Brāhmaṇas and manifested compassion towards their subjects by their own behaviour, the sage admonishes the king about his duties. The king is to subdue unrighteousness and overcome evil propensities, to be steadfast in his approval of the lore cherished by good men, and to give up the system of unrighteousness : the king is further to make his wealth an instrument for acquiring virtue, to exercise mercy towards his people, to be constant in maintaining good conduct and restraint of the senses, to derive the entire brilliancy of his rule from the lustre of his meritorious actions : he should, to use the simile of a chariot, make the worship of the pious his charioteer, his own body engendering virtues his chariot, friendliness its axle, self-restraint and charity its wheels, and the earnest desire for acquiring merits its own axle-tree : he is to control the horses which are the senses with the bridle called attentiveness, to make prudence his goad, to take his weapons from the store of sacred learning, to make modesty its furniture, humility its pole, and forbearance its yoke. The sage

concludes by assuring the king of residence with the Highest soul and avoidance of all danger of descending to the infernal regions, should he use the vehicle resplendent with the lustre of wisdom, adorned by the flag of good renown and the high floating banner of tranquillity and accompanied by compassion as its attendant.

We may notice a last story of which the Pali version has been given by us elsewhere (Chapter IV), which contains a king's self-admonition (XIII 30–41) in the face of his gravest temptation. Here we are told how a king, falling violently in love with the wife of an officer and being repeatedly and earnestly pressed by the latter to take her to himself, as frequently and resolutely rejected the offer. 'I would rather', he observes in conclusion, 'throw myself upon the sharp sword or into fire with blazing flames, but I shall not be able to offend against righteousness which I have always observed and to which I owe my royal fortune'. The good and the evil of the people, the king explains, depend upon the behaviour of kings : like cows following a bull in any direction, right or wrong, the subjects imitate the behaviour of their ruler without any scruple : should he fail to rule his own self, he would bring those seeking his protection into jeopardy. The king concludes by expressing his resolve not to submit to his passion from consideration of the good of his subjects and his own righteousness and his spotless fame, for he is the leader of his subjects, the bull of his herd.

The above extracts involve a number of important principles. These are, firstly that righteousness is the king's best policy, secondly that righteousness is the king's obligation because of the influence of his example upon his subjects. Thirdly and lastly that the rule of righteousness imposes upon the king a number of important qualifications such as those relating to good company, virtuous behaviour, charity and forbearance, self-control, universal friendliness and compassion and the unselfish urge (so characteristic of Mahāyāna Buddhism) for promotion of universal happiness.

We may consider here a few extracts of the *Jātakamālā* reflecting our author's view of the far-reaching consequences of the king's attitude towards righteousness upon his environment. In the story (no. VIII) of the very virtuous king Maitrībala told above, we read that when the five man-eating ogres (*yakshas*) aptly called 'vigour-stealing' (*ojohara*) visited his kingdom with the intention of taking away the vigour of its inhabitants, their best efforts met with failure : this was because the king's strength was so excessive that his very intention of shielding proved to be the highest protection (ibid. 5). When the *yakshas* meeting a happy cowherd in a lonely forest asked the reason for his feeling no fear, they were told (ibid. 9–14) that the people there were protected by a charm (*svastyayana*) in the shape of their king who had derived his strength from his highmindedness and his righteousness. Again, when the ministers remonstrated against the king's offer of his own flesh and blood for satisfying the unnatural hunger of the monsters, he replied (ibid. 32–3) by pointing to the likely reaction of his dereliction from his pledged word upon himself and his subjects : should he

being their leader in matters of *dharma* tread a wrong path, what would be the condition of the subjects who tend to follow his example ? Should he out of self-love be faint-hearted, what power would he have for promoting the welfare of the world ? In a second story (no. x) a king finding that his kingdom was afflicted with partial drought felt convinced that the calamity had been brought about by the violation of righteousness on his own part or on the part of his subjects : the king accordingly brought about a complete moral reform of his subjects by a pardonable trick : when the whole people were thus made inclined towards virtuous behaviour by the king's politic measures, the plagues and calamities faded away, the seasons succeeded each other in due course, the earth produced various crops in abundance, no epidemics afflicted mankind, the medicinal herbs acquired greater virtues than before, the winds blew in due time and regularly, the planets moved along in auspicious paths, the people continuing in righteousness and self-control enjoyed, as it were, the fruits of the *Kṛita* Age (ibid. 27–30). The king who desires prosperity, the author sums up at the end, should observe righteousness, because its observance by the subjects is the source of prosperity.

In the above extracts the author, evidently for the purpose of emphasizing his lesson of political righteousness, repeats the early Buddhist canonical ideas of its fundamental importance in relation to the ruler and his subjects. The king's righteousness, we are first told, is the best security of the subjects against external dangers as well as providential visitations, and the guarantee of his own capacity for promoting their welfare. In the second place, we read that the people's righteousness which is only a reflex of the righteousness of the king is likewise the guarantee of the regular movements of heavenly bodies as well as operation of the geographical factors ruling man's existence.

We may consider in the next place a remarkable extract dealing with the relation of statecraft to morality which occurs in a work quoted above, namely, the *Chatuḥśataka* of Āryadeva. The author begins by posing a fundamental problem, namely, that of the validity of authoritative injunctions of questionable morality. The wise man, he observes in the first verse (IV 89), should not follow all the acts of the sages, since even among them there exist the grades of the good, the intermediate and the bad. Introducing his explanation of the above, the commentator takes it to be an answer to a hypothetical argument that the king who is even guilty of violence in accordance with the law (*dharma*) laid down by the sages incurs no sin. In days of yore, the author states in the following verse (ibid. 90), the people were ruled by good kings as their own sons, but now the world is converted, as it were, into a deer-park by kings following the rule of the Iron Age. The commentator introducing this verse mentions the hypothetical argument that the canon is authoritative in as much as the ancient kings by following its authority were able to rule well their prosperous dominions : the gist of the above, it is explained, is that the canon which is inspired by unrighteousness has no authority. In the next verse (ibid. 91) the author argues with pitiless logic that if the king striking at his enemy through a loophole were not to

incur any sin, the same would not accrue to other thieves from beforehand. This verse according to the commentator refutes the argument that the king acting as above is free from sin, because this is enjoined in the canon : the commentator neatly explains the author's meaning by saying that no good result follows from the commission of an evil act just as the seeds of the *champaka* plant do not sprout from those of a dirty tree. With similar remorseless logic the author in the last verse (ibid. 92) asks, 'If the spending of one's whole substance upon drink and so forth is not praised, how then can the sacrifice of one's life in battle be praised ?' According to the commentator this answers the argument that if the king were to win victory in battle, he would enjoy much gratification at the acquisition of wealth by his own prowess, while if he were to be killed in battle he would certainly win heaven by the sacrifice of his life.

The above extract is of high significance as involving the strongest criticism known so far of the twofold principle of Brahmanical ethics in relation to statecraft from the standpoint of a Buddhist moralist. We have noticed elsewhere the tendency of the *Dharmasūtras*, and still more of Bhīshma and other speakers in the *Mahābhārata*, to justify in accordance with the canonical law of social order approved by the sages the policy of a king's treacherous fight against his foreign enemy, and further to enjoin upon a king as one of his distinctive duties the act of fighting an adversary even at the sacrifice of his own life. In the extract quoted here these principles are referred to by the Buddhist thinker only for the strongest condemnation. The authority of the sages, we are first told, is not absolute but relative as it depends solely upon their moral worth : and similarly the authority of the canon is not final, but is subordinate to the inexorable moral law which dooms bad acts to evil consequences. In the second place, we read that the king's treachery towards his enemy is on a level of moral delinquency with the act of thieves, while the sacrifice of his life in battle deserves no more praise than the spending of his substance on riotous living. This involves, in the place of the Brahmanical theory of a distinctive moral standard applicable to the king in war and diplomacy, the application of the uniform Buddhist ethical standard, which according to the author is binding as much upon the king as upon his subjects and equally upon the king's public and his private acts.

PRINCIPLES AND POLICIES OF GOVERNMENT

While the principle of political righteousness explained above is beyond doubt the strongest single factor in the composition of Āryaśūra's ideas of governmental principles and policies, other factors are often found in conjunction with the same. In the descriptions of different kings in the *Jātakamālā* stories (II, III, VIII, IX, XIII, XXI, XXVI) we are told that they were gifted with the strength (*śakti*) of will, intelligence, material force and good fortune, that they were attached to discipline (*vinaya*) (or else were the embodiments of discipline), that they were versed in the principles of the

three Vedas (*trayī*), Philosophy (*ānvīkshikī*), Politics (*daṇḍanīti*) and Economics (*vārttā*) (or else in many sciences), and that they ruled their subjects like their own children. Of one king, we are emphatically told (VIII 1–2), that whatever happiness and misery befell his subjects was felt by him as his own, and that while he handled both the sword and (the precepts of) the canon, the sword was as it were an ornament to him, while the canon showed itself openly in his measures for promoting the welfare of his people. The above passages repeat some principles and standards of government after the familiar *Arthaśāstra-Smṛiti* pattern. These relate to the conception of the king's fourfold strength (comprising the well-known *Arthaśāstra* category of 'the three powers' with the addition of good fortune), that of his intellectual training (involving the knowledge of the four 'sciences' known to the *Arthaśāstra-Smṛiti* tradition from early times) as well as his moral discipline, and lastly, the standard of the king's paternal rule as well as that of his complete identification with his subjects.

The frequent admonitions addressed to individual kings by wise beings in the stories indicate the same features. The king, we are told in one extract (XXII 66–70), should protect his subjects by the award of rewards and punishments in due time to the end of increasing the people's affection and the welfare of the world; he should consider and not neglect the welfare of his subjects with the assistance of tested loyal and able ministers; he should exhibit mercy but not blind trustfulness towards vassal kings: he should pursue Virtue, Wealth and Pleasure without mutual conflict, and he should tame his enemies. Should the king, says a sage addressing a king and his ministers in a second extract (XXIII 66–8; 70–2), fail to protect the husbandmen and cattle-breeders who are his tax-payers, he would get into difficulties concerning all the fruits of the earth: should he fail to protect the merchants and the townsmen who benefit him by the payment of customs (*śulka*), he would raise difficulties for himself with respect to his treasury: should the king fail to honour his tried and skilled troops through indifference, 'he would surely be deserted by victory in battle': should he adopt a disrespectful attitude towards virtuous men of excellent character and learning and endowed with virtues attendant on high-mindedness, he would lose the blessings of heaven: 'as one who plucking an unripe fruit from a tree kills the seed without finding the juice, so a king who raises unlawful taxes (*bali*) ruins his country without profiting by them: on the other hand as a mighty tree grants enjoyment of its fruits at the time of their ripeness, in the same manner a country being well-protected by its ruler provides him with the happiness relating to Virtue and Wealth.' In his concluding words the sage advises the king to attach to himself his faithful ministers, his honest friends and his family relations by sweet words and gifts accompanied with honours.

The lessons inculcated upon the king in the first extract involve the application, firstly, of a double policy of rewards and punishments combined with a policy of consultation with qualified ministers, secondly, of a mixed

policy of kindness and vigilance towards vassals along with a policy of force towards the foreign enemy, thirdly and lastly, of the threefold objective of existence in harmonious union. In the second extract the king is enjoined in his own interest to adopt a comprehensive programme of benevolent rule over his subjects : the agricultural and the mercantile as well as industrial classes are to be protected, so that they may benefit the king by the payment of taxes : the troops are to be supported so that they may help him to win victory in war : the virtuous and the learned are to be honoured so that the king may acquire thereby spiritual merit for himself. Other principles inculcated by the author relate to the application of a sound canon of taxation and the display of kind consideration towards the king's friends and relations.

THEORY OF BRAHMANICAL PRIVILEGES

We may notice in conclusion a remarkable reference in a story (no. XII) of the *Jātakamālā* to the *Smṛiti* doctrine of Brahmanical privileges. A Brāhmaṇa teacher wishing to test the morals of his disciples, we are told, urges them to relieve the poverty of the teacher by theft. Theft, he argues, is the approved mode of livelihood for Brāhmaṇas in times of distress, and poverty is the extreme distress in this world, and therefore it is no sin for us to enjoy the wealth of others for the whole of these goods belongs verily to the Brāhmaṇas. In the sequel of the story, we read how while the other disciples agree to carry out the teacher's advice, the Bodhisattva alone respectfully, but firmly, rejects the same. Better it is, he replies (ibid 19), to behold the opulence of manners of one's enemies with alms-bowl in hand and in vile garments than to bend one's mind to 'the murder of righteousness'. be it even with the goal of attaining the sovereignty of the gods. The story ends by stating that the teacher warmly commended the Bodhisattva for his attitude. It is evident that the author's reference to the arguments in favour of the doctrine of Brahmanical privileges in the above extract is only a caricature of the same, meant to bring them into disrepute. Nevertheless it is important as exhibiting the author's rejection of two of the familiar *Smṛiti* principles on this point. These are, firstly, the Brāhmaṇa's right to self-preservation at the sacrifice of morality founded upon the *Smṛiti* theory of his duties in times of distress, and secondly, that of his *de jure* claim to universal ownership. This involves the application of the absolute and universal standard of Buddhist ethics to the question of class privileges.

(B) THE WORKS OF JAINA CANONICAL AND NON-CANONICAL LITERATURE—I THE JAINA CANON AND CANONICAL COMMENTARIES

INTRODUCTORY

Although Mahāvīra, the historical founder of Jainism, was proved long ago to have been an older contemporary of Gautama Buddha, the existing

Jaina canonical literature belongs to different chronological strata, its earlier portions are possibly traceable to the period of the first disciples of Mahāvīra, while its later portions are probably not older than the middle of the fifth and the beginning of the sixth century A.D. when the sacred texts were corrected and written down (according to the Jaina tradition) at a famous Council held at Valabhi. Of the other works of the Jaina sacred literature while the earlier ones written mostly in a variety of Prākṛit may go back to the early centuries before Christ, the later ones written generally in Sanskrit are assignable to the centuries after the Christian era.[3] In the present chapter it is proposed to notice without any claim to completeness the political ideas and notions that may be gleaned from some of the more important canonical and non-canonical works abovementioned.

RELATION OF POLITICS TO ETHICS

We may begin by noting the references to the relation of Politics to Ethics in two well-known canonical works of the Jainas. The *Āchārāṅga Sūtra* in its section dealing with the rules for the daily life of monks and nuns, forbids them (II 13) on their begging tour to accept food in the house of Khattiyas (Skt. Kshatriyas), king's messengers and the relations of kings, and it justifies this by the argument that such food is impure and unacceptable. More important than the above is the dialogue in an extract (IX 6.6f.) of the *Uttarādhyāyana Sūtra* between King Nami of Mithilā and the god Indra, when the former had renounced his throne and become an ascetic and the latter had come to him in disguise in the role of a tempter. To the god's plea that the king should become a true khattiya by punishing thieves and robbers as well as cutpurses and burglars and thus establishing the security of the town, Nami replies that men frequently inflict punishment wrongly, innocent persons being put in prison and guilty ones being set at liberty. Again, when the god urges that the king should become a true khattiya by subduing all princes who did not acknowledge his sway, Nami replies that a man is victorious if he conquers nobody but himself. The above extracts involve not only a moral censure of statecraft but also a strong condemnation of one of the fundamental principles of the Brāhmaṇa canonists in defence of the same, namely, its basis in the law of the Kshatriya order.

AUTHORITY OF THE TEMPORAL RULER

The commentary (*bhāshya*) on the *Viśeshāvaśyaka Sūtra* makes an important reference to the principle of the king's authority based upon the theory of his office. There are, we are told (ibid. in *Abhidhāna-rājendra*, s.v. *deva*), five classes of gods, of whom the second (*naradevas*) comprises kings whose sovereignty extends up to the four ends of the world, who possess the nine jewels, whose treasury is full, who are lords of the sea-girt earth. In this extract the author conceives the emperor to belong to a special class of divinities, the last term being evidently used in the loose sense of the Jaina canonists.

The logical corollary of this principle in the shape of the subjects' obligation towards their ruler is furnished by the prolific Jaina author Haribhadra (*c.* 705–75 A.D.) in an extract (I 31) of his didactic work called the *Dharma-bindu*. Here he includes the act of refraining from disrespect to the king in the list of duties that are binding upon the householder.

CHAPTER NINETEEN

NOTES

[1] The above account is summarised from the work *L'Abhidharmakośa de Vasubandhu*, traduit et annoté par L. de la Vallée Poussin, Chapter III, pp. 203-6.

[2] The above is an abstract of the relevant extract of the *Visuddhimagga* in the version of Warren, *Buddhism in Translations*, pp. 324-7.

[3] On the chronology of the Jaina canonical and non-canonical literature, *vide* Winternitz, *A History of Indian Literature*, vol. II, pp. 431-5. Also cf. Jagdish Chandra Jain, *Life in Ancient India as depicted in the Jaina Canon*, Bombay 1947, p. 38. On the date of Haribhadra, *vide* Winternitz, op. cit., p. 479.

CHAPTER XX

THE WORKS OF CLASSICAL SANSKRIT LITERATURE—II THE WORKS OF THE GREAT POETS, DRAMATISTS AND AUTHORS OF PROSE ROMANCE

INTRODUCTORY

THE period extending from the fourth to the eighth century A.D. is generally regarded as the Golden Age of classical Sanskrit literature. It was adorned by a galaxy of poets and dramatists as well as writers of prose romance, such as is without a parallel in the ancient history of our land. A remarkable characteristic of these masters, inspired no doubt by authoritative literary convention, is their reference to topics of political thought such as those bearing upon the relation of Politics to Ethics, the authority and obligation of the temporal ruler, and especially and above all, the principles and policies of government. The treatment of these topics by some of the authors like Viśākhadatta and Kālidāsa is of an incidental character, while others like Bhāravi, Bhartṛihari, Kumāradāsa, Bāṇa and Māgha deal with them in a systematic fashion. The ultimate source of our authors' political ideas, whether they are scattered or systematic, is beyond doubt the antecedent *Arthaśāstra-Smṛiti* tradition, but they often develop a striking freshness and originality of outlook.

RELATION OF POLITICS TO ETHICS—GENERAL TENDENCIES AND CHARACTERISTICS OF STATECRAFT

We have endeavoured in some earlier chapters of this work to trace in the thought of the Buddhist and Jaina canonists and even of the Brāhmaṇa author of the *Rāmāyaṇa*, a strong moral reaction against some dominant tendencies and characteristics of the technical science of polity. The same reaction is expressed by a great writer of prose romance belonging to this period. Bāṇa in his *Kādambarī* gives us in one place a long lesson on kingly duties said to have been delivered by the wise minister Śukanāsa to Prince Chandrāpīḍa, the hero of the romance, at the time of the latter's consecration as Crown Prince. In the course of this address the minister, besides conveying general warnings against the dangers of good fortune (and especially of royal fortune), utters a severe censure (pp. 177–8) against the type of statecraft represented by Kauṭilya's *Arthaśāstra*. For he condemns in the strongest terms those kings for whom the treatise of Kauṭilya merciless in the cruelty of its teachings is an authority, and in particular their worship of wealth, their application to the destructive sciences, and their policy of exterminating devoted brothers whose hearts are melted with natural affection. In the same censure the minister joins the priests habitually hardened with the

practice of witchcraft who are the teachers of those kings, and the ministers engaged in deceiving others who are their advisers. In other words Politics, as represented by the great work of Kauṭilya and as practised by worldly-minded and cruel kings and their hard-hearted and tricky advisers, is based upon a creed of gross materialism, heartless cruelty and base superstition. The same spirit marks the short, but striking, definition of statecraft given by the hero Balarāma in the course of his address in an extract of Māgha's epic poem, the *Śiśupālavadha*. Winning success for one's own self and inflicting injury upon the enemy—in this much, we are told (ibid. II 30), lies the double content of statecraft (*nīti*). In other words Politics is based solely upon a creed of enlightened self-interest. In the following verses (ibid. 31–2) the speaker takes pains to point out that this selfish creed fits in with the nature of high-spirited souls, and in fact is the key to worldly success. Of the one-sidedness of such judgement (especially of the sweeping criticism of Bāṇa) there can be no reasonable doubt. But they at least serve to reflect the profound antagonism which the teachings of the science, of which Kauṭilya was the acknowledged master, roused in enlightened circles in the times of Bāṇa and Māgha.

We may refer here to a long extract (pp. 251–68, *N.S.* ed.) of Daṇḍin's *Daśakumāracharita* indicating the general tendencies and characteristics of Politics. Here we are told in the first place how a young king, having succeeded his wise and virtuous father on the throne, neglected the science of politics, and how he was thereupon admonished by an old and faithful minister. The king, wanting in intellect through failure to exercise it in the study of Politics (*Arthaśāstra*), so runs the gist of the minister's address, is incapable of acting with perception of his objectives and is overpowered by all : a king whose orders are disregarded fails to secure the welfare of his subjects who being freed from restraints break all bounds, and involve themselves as well as their master in a common ruin : 'when the path is lighted by the lamp of the science, the course of worldly affairs runs smoothly : one who is wanting in the eye of knowledge is really blind, though possessed of eyes.' The author next tells us how a boon-companion of the king, who was a rake and an adept in roguery, sought to divert his young master from accepting the above sage advice by uttering a biting satire on the science of politics. Putting his words into the mouth of imaginary rogues striving to deceive their master, he says how the former deliberately decry the three other 'royal sciences' (namely, the Sacred Canon, Philosophy, and Economics), so as to induce the latter to study the science of Politics (*daṇḍanīti*) as summarised by Vishṇugupta (Kauṭilya) for the benefit of Chandragupta (Maurya). The science, so runs the satire, depends upon other sciences for its thorough understanding, and it cannot be mastered without going through a good deal of verbiage : after mastering the science one first learns even to distrust his wife and sons : even for filling his own belly he has to learn that so much food is produced out of so much grain, and so much fuel is required for cooking so much food : the king's daily and nightly

routine, divided into eight equal time-periods each, is completely filled with engagements so that while he becomes a prey to designing and unscrupulous departmental heads, judges and ministers as well as ambassador and priest, he loses all ease and peace of mind : thus worried with work he can with difficulty preserve even his own territory, not to speak of his attaining universal rule, while all his acts are viewed with distrust : how much the course of wordly affairs can proceed without policy and what slight reason exists for recourse to the sciences, is proved by the fact that suckling infants get milk from their mother's breast in unknown ways : the hypocritical ministers, who teach lessons relating to the suppression of sense-organs and the constant application of the four expedients as well as consideration of the policies of peace and war without the slightest room for self enjoyment, themselves spend money obtained by robbing their master in houses of ill-fame : even the masters of the science such as Śukra, Aṅgiras and Viśālāksha who are stern in their counsels have not subdued the six passions and performed the canonical injunctions, and they meet with success as well as failure in their undertakings : in fine the king should abandon the cares of State to his confidants and give himself up to self-indulgence. The author concludes by stating vividly how the infatuated king accepting the above roguish advice indulged in an orgy of dissipation, and how his officers and subjects followed his evil example, with the result that his kingdom in a short time fell an easy prey to the attack of a neighbouring king.

In the above extracts the author inculcates through the mouth of the sage councillor and subsequently through his narration of the disastrous consequences following from the king's neglect of his minister's advice, the supreme importance of the application of statecraft in the interest of the king as well as of his subjects. This is accompanied by a sly hit conveyed aptly enough through the king's worthless boon-companion, at the defects of the formal treatises on the science such as that of Kauṭilya. These defects consist in their pedantic attention to detail, their creed of universal distrust, and the hard discipline defeating its own ends which they impose upon the king.

AUTHORITY OF THE TEMPORAL RULER

We have a slight reference to the theory of the king's authority over his subjects in Viśākhadatta's celebrated play called the *Mudrārākshasa*. In the concluding verse (VII 19) of this work, the author characterises the king as the image of God Vishṇu. Justifying this reference the commentator Ḍhuṇḍirāja quotes an anonymous *Smṛiti* (?) text to the effect that 'the king is a human incarnation of Vishṇu (or alternatively, that no king is not Vishṇu, i.e., that every king is Vishṇu)'. This phrase, giving in a nutshell the story of the origin of kingship in *Mahābhārata* XII 59 quoted above (Chapter X), involves the doctrine of the king's divinity in its extreme form so as to involve the king's identification with God Vishṇu.

The doctrine of the king's divinity just mentioned is criticised vigorously in the extract (pp. 177–8) of Bāṇa's *Kādambarī* from which we have quoted

above in part. Some kings, says the minister Śukanāsa to Prince Chandrāpīḍa, being deceived with more than mortal praises by cunning rogues, consider themselves, though mortals, to be derived from divine particles, and in trying to act like heavenly beings become the objects of ridicule to all men : inspired by the delusion of their divinity these kings consider themselves to be the four-armed God Vishṇu and the three-eyed God Śiva. Here it will be noticed the conception of the king's divinity is held up to scorn as an invention of unscrupulous flatterers for deceiving foolish kings.

PRINCIPLES AND POLICIES OF GOVERNMENT

The great epic poem of Kālidāsa called the *Raghuvaṁśam*, which deals after the pattern of the *Rāmāyaṇa* with the story of the kings of the Solar race of Ayodhyā, has a rich body of principles and policies of government. The poet's general description of these kings in the opening lines of this work (I 5–8) is sufficiently impressive. They were, he says, pure from their very birth : they persevered in their works till these bore fruit : they were lords of the earth up to the Ocean's merge : the track of their cars lay as far as the celestial regions : they offered oblations to the sacred fires in accordance with canonical injunctions : they honoured suppliants by gratifying their desires : they inflicted punishment in proportion to the crime : they waked at the proper hour : they amassed wealth for the purpose of charity : they spoke briefly for the sake of truth : they desired conquest for the sake of fame and they consorted with their wives for the sake of offspring : they learnt the sciences in their childhood : they desired enjoyments in their youth : they led the ascetic's life in old age and they ended their lives with meditation on the Supreme Spirit. In other words the kings of this line who were world-rulers possessed the familiar royal qualifications (such as purity, perseverance, self-restraint, vigilance, piety, charity and love of truth), while they regulated the successive stages of their lives after the *Smṛiti* pattern. They observed (as required by the *Smṛitis*) a sense of proportion in the administration of the criminal law, and they achieved world-conquest after the Kauṭilyan standard of the righteous conqueror (*dharmavijayī*). Among individual kings the character of Dilīpa and the nature of his government are described by the poet at the greatest length (I 13–30). Referring to Dilīpa's general accomplishments the poet observes that his intellect was commensurate with his outward form, his knowledge with his intelligence, his undertakings with his knowledge, and his success with his undertakings. Again we read that he protected his body without giving way to fear, he practised Virtue without afflicting himself, he amassed Wealth without being avaricious, he enjoyed Pleasure without being addicted to it. He showed modest reserve in spite of his knowledge, forbearance in spite of his strength, absence of boasting in spite of his charities. Equally striking with the above is the poet's description of Dilīpa's principles of government. Through his kingly qualities, which were both awe-inspiring and amiable, he was to his subjects at once unapproachable and inviting : they did not depart even by

the breadth of a line from the path that had been trodden from the days of Manu and he collected taxes from them for the purpose of promoting their welfare. His clear understanding of the sciences and the string tied to his bow were the two means of accomplishing his objects, while his army was (as it were) a part of his royal paraphernalia. By virtue of his educating, protecting and maintaining his subjects, he was unto them as their father, while their real fathers were mere procreators. He punished criminals for the preservation of order and married only for the sake of progeny, so that his pursuit of Wealth and Pleasure was but a part of his pursuit of Virtue. Under his rule the crime of theft having turned away from men's property survived only in speech. Even an enemy, if virtuous, was approved by him, while even a friend, if wicked, was discarded by him. The poet concludes his striking sketch of King Dilīpa and his government by saying that all his qualities had for their sole object the good of others, while he ruled the whole sea-girt earth without a rival as if it were a single city. The points that emerge out of the above picture and which generally fit in with the best concepts and ideas of the late *Arthaśāstra* and *Smṛiti* works are the following: the perfect harmony of body and mind as well as of intellect and will in Dilīpa's composition and the gearing of his public as well as private life to a virtuous pattern, his exhibition of the joint qualities of majesty and affability and application of the joint strength of intellect and prowess in his administration, his altruistic zeal for the welfare of his subjects and his paternal rule over them, his strict impartiality towards friend and foe, the perfect order of his government, the strictest conformity of his subjects to the ancient authoritative tradition, and lastly, his world-wide supremacy.

Let us next consider Kālidāsa's characterisation of Dilīpa's four lineal successors Raghu, Aja, Daśaratha and Rāma. Of Raghu we are told (IV 7–13) that the kingdom, though possessed by Manu and other renowned kings of old, appeared to be attached to him for the first time, that out of the two courses (the good and the bad) pointed out to him by those versed in policy, he followed the first and not the second, that he was justly called king for gratifying his subjects and that 'the function of his eyes was discharged by his knowledge of the canon which pointed out to him the minute details of his duties'. The above extract means that the king, apart from his unique capacity for winning popularity, made good policy his guide and established the canon as his sole and complete mentor. On the other hand the poet's conception of his hero's conquering role approximates to the Kauṭilyan type of a greedy conqueror. For we are told (IV 43) in the course of the poet's description of the king's conquest of the quarters that as a righteous conqueror (*dharmavijayī*) he took away the wealth (though not the dominion) of a conquered king.

We have a longer description of King Aja's rule after his consecration (VIII 8–13). The powerful king, we are told, mercifully treated his newly acquired kingdom, lest it should suffer anxiety. As he never showed contempt

for any one, every one of his subjects thought himself to be his favourite. Following a middle course of policy between the extremes of severity and mildness, he made the (vassal) kings bend before him without deposing them. For the acquisition of what was yet unconquered he united himself with ministers well-skilled in politics. He took his judgement-seat in order to look into the affairs of his subjects. He reduced the neighbouring princes to submission by the strength of his material resources (*prabhuśakti*). He employed the six forms of foreign policy with due regard to their results. He never desisted from his undertakings until they bore fruit. His strength was used for allaying the fears of the distressed and his great learning for showing reverence to the learned. In other words the king's internal government was marked by mercy and consideration for others as well as general beneficence and he used the traditional administrative machinery and followed the traditional lines of foreign policy.

Of a more general character than the above are the poet's eulogies of Aja's son Daśaratha and grandson Rāma. Daśaratha, we read (IX 1–23), ruled the circle of his subjects as well as the cities according to the law : under his rule 'no disease set its foot in the land, not to speak of defeat at the hands of an enemy', while the earth yielded abundance of crops : he equalled the gods Yama, Kubera and Varuṇa respectively by his impartiality, his gift of showers of his riches and his punishment of the wicked, while he resembled the Sun by his splendour : his mind was not distracted by the passions of hunting, gambling and women : he uttered no flattering words even towards God Indra : he told no lie even in jest : he used no harsh language even towards his enemies : he was a friend to the kings who obeyed his commands and stone-hearted towards those who defied him : he conquered the whole earth with his sole might. In the shorter description of Rāma's rule (XIV 23) we are told that his subjects attained through him all the three ends of existence, that they became possessors of wealth, as the king was averse to greed : they became performers of religious rites, as he removed all their obstacles : they found a father in him as he looked after their training, and a son as he removed their causes of sorrow. The points stressed in the first extract relate to the purity of the king's personal character, his observance of the rule of law, his similarity to the Regents of the Quarters by parity of functions, the complete freedom from fear as well as prosperity enjoyed by the subjects under his rule and the application of the double standard of statecraft towards his enemies. In the second extract the author emphasises the king's paternal rule over his subjects in the best and widest sense of the term.

Kālidāsa's characterisation of Dushyanta, the hero of his most famous drama called the *Abhijñānaśakuntalam*, further reflects some of the author's ideas of government. In the opening lines of Act V a sympathetic chamberlain thus commiserates with his master on his self-imposed toil for the benefit of others. Just as the Sun has his horses yoked only once, just as the Wind blows day and night and just as Śesha, the king of serpents, has the burden

of the earth constantly imposed upon him, so is the duty of one who lives by one-sixth (of the produce paid by his subjects). The fulfilment of his ends, says the king in the following lines, brings to the ruler pain and not happiness, as in the case of all other beings. In the case of a ruler, he explains, success merely puts an end to anxiety, while the task of preserving what has been acquired gives pain. Like an umbrella, of which the handle is held in one's own hands, he continues, a kingdom is not so much for removing fatigue as for begetting toil. The above speech is followed by the addresses of two heralds to the king from behind the curtain. The first compliments the king on his daily undergoing pain in disregard of his own happiness for the sake of his subjects, and beautifully compares him to a tree which by drawing the fierce heat of the Sun upon its head allays with its shade those resorting to it. The second herald, after stating that the king checks by his punishment those given to evil ways, soothes their quarrels and gives them protection, says that the obligations of men's relations have thereby found consummation in him. The above passages involve a number of important principles. The author, in the first place, expresses in the language of elegant poetry an old *Smṛiti* principle, namely, that of the king's imperative obligation of protection in return for taxation. In the second place, the author emphasizes the psychological effect of the *Arthaśāstra-Smṛiti* plea for the king's constant exertion, so as to involve him in constant care and anxiety for the acquisition and preservation of his kingdom. Thirdly and lastly, the author states after the best *Arthaśāstra-Smṛiti* traditions of the king's government the twofold principle of the king's complete merger of his own interests in those of his subjects and his treatment of them in the spirit of a near relative. Reference is made to this last principle in a later passage (Act VI) of the same work. Here we are told how the king, after forgoing his claim to the property of a childless merchant who has just died, issues a general order to the effect that he would thenceforth supply the place of an affectionate relation towards his subjects.

We may next quote the reference in a passage (Act I) of Kālidāsa's *Mālavikāgnimitra* drama to the policy of inter-State relations. Here a minister, justifying his master's decision to attack his natural enemy, quotes the technical science of polity to the effect that when the enemy has just acquired his kingdom and has not been able to strike his roots among his subjects, he can easily be uprooted like a sapling which has been newly planted. This passage involves the application of a well-known *Arthaśāstra* canon for selection of the policy of war, namely, that based upon the superiority of a king's strength to that of his enemy. In fact it is a plea for an immediate attack upon the enemy before he has time to consolidate his strength.

The celebrated political drama referred to above, namely, the *Mudrārākshasa* of the poet Višākhadatta, contains a number of important statements regarding the principles and policies of government. Here in one place (Act III, verse 4) King Chandragupta, explaining his dictum that rulership is

a source of great discomfort, observes that regard for his own interest deserts the king who is engaged in fulfilling others' interests, that the king who renounces his own interest loses the significance of that epithet, and that one with whom others' interest weighs more than his own becomes a dependant, and as such knows not the taste of happiness. In the following verse (ibid. 5) he says that it is very difficult even for kings possessed of self-mastery to win royal fortune which recoils from the severe and rejects the mild, which hates the foolish and refuses intimacy with the very learned, which fears the brave and derides the timorous. In a second extract (Act III) the great minister Chāṇakya, referring to a king's policy towards his disaffected subjects, says that such persons are to be treated either with favour or with punishment. In the case of those who are concerned with the science of polity (*Arthaśāstra*), we are told in a third extract (Act V), what determines the grouping of the enemy, the ally and the neutral is the exigency of political objectives (*artha*) and not personal inclinations, as in the case of ordinary men. Through the exigencies of political objectives, it is explained in the accompanying verse (ibid. 8), friends are transformed into foes and foes into friends by policy, which thus 'produces the oblivion of earlier happenings', just as the state of his former birth is forgotten by a living man. The above extracts involve a few important principles based more or less upon the *Arthaśāstra-Smṛiti* tradition. In the first place the author draws from the old generic principle of the king's obligation towards his subjects its corollary in the shape of his constant unhappiness. The author moreover repeats a familiar *Smṛiti* dictum relating to the combination of contradictory qualities in the affairs of government. Secondly, the author repeats in general terms an *Arthaśāstra* dictum relating to the policy of the king's internal security. This consists in the application of the alternative expedients of conciliation and force towards disaffected subjects. Thirdly and lastly, the author pushes to its extreme limit the *Arthaśāstra* doctrine of acquired enemies and allies so as to discover in the exigencies of policy (as distinguished from personal inclination) the exclusive key to the alignment of inter-State relations.

We may notice, in the last place, the general significance of the political ideas underlying the story of the drama. The plot of Viśākhadatta's play, as is well known, turns on the intrigues and the counter-intrigues of the two master-politicians Chāṇakya and Rākshasa for accomplishing their respective designs of fixing Chandragupta firmly on the throne and for encompassing his destruction. This involves the application of what Kauṭilya in his *Arthaśāstra* calls the battles of intrigue and treachery (*mantra-yuddha* and *kūṭa-yuddha*) against a foreign enemy. Between the two arch-intriguers, as is well known, Chāṇakya emerges as the triumphant victor. We accordingly find that eulogies are repeatedly bestowed upon Chāṇakya's diplomacy by the leading characters of the play (including King Chandragupta, the minister himself, and lastly and above all, his great rival Rākshasa). To give one example Chāṇakya with supreme self-confidence declares in one place

(Act I, verse 26) that his own intellect by itself is mightier than a hundred hosts for the purpose of winning victory, and he proudly recalls that the glory of its exploits was exhibited in his uprooting of the Nandas. Such extracts may be taken to illustrate one of the characteristic principles of Kauṭilya's statecraft, namely, that of the superiority of the strength of intellect (*mantraśakti*) to that of material resources (*prabhāvaśakti*).

We may pause here to notice an interesting verse (no. 38) in the *Nītiśataka* of Bhartṛihari relating to the general principles of the king's government. The policy of kings, we are told, like a harlot, has many aspects. It is at once true and false, harsh and gentle in speech, cruel and kind, covetous and charitable, constantly expensive and producing abundant and continuous wealth. The above extract repeats in poetical language the familiar *Smṛiti* principle relating to the blending of composite (and even contradictory) qualities in State policy because of the exigencies of government.[1]

In his epic poem called the *Kirātārjunīyam* (Cantos I–II) the poet Bhāravi gives us a systematic discussion of the principles and policies of government in a singularly dramatic setting. The five Pāṇḍava brothers have just been compelled by their deceitful cousin Duryodhana and his advisers to leave their capital in the hands of the enemy and retire to the forest under a self-imposed vow of twelve years' banishment. How the heroes with their spirited queen smarting under their sense of wrong reacted towards their treacherous cousin is told by the poet in the above cantos with all the resources of a refined art. The scene opens (I 7–8) with a spy's report to the heroes and their retinue upon Duryodhana's administration of his ill-gotten kingdom. The spy begins by saying that Duryodhana is winning by good policy the dominion that he acquired by fraud, and that though deceitful by nature he is seeking to outshine Yudhishṭhira by his merits. Explaining this statement in the following verses the spy praises Duryodhana's mastery of 'the six vices' and his desire of abiding by the laws of Manu, his benign treatment of attendants, friends and relatives, his pursuit of 'the three ends of life' without excessive attachment to either, his impartial infliction of punishment (*daṇḍa*), his proper attitude of trust mixed with distrust, his politic generosity to his dutiful servants, his proper and faithful application of the four expedients, his encouragement of agriculture, and lastly, his success in winning the loyal service of his troops and the allegiance of his vassals. The above description evidently follows the pattern of a line of Kauṭilya's policy (XIII 5) explained by us in a previous chapter, namely, that of pacification of a territory newly acquired by a king from his enemy.

The poet's account of the resulting discussion in Yudhishṭhira's circle regarding the future course of action deals with a well-known branch of *Arthaśāstra-Smṛiti* statecraft, namely, that of a king's policy towards his enemy. Urging an immediate break with Duryodhana in disregard of the pledge given by the heroes to him, the spirited Queen Draupadī observes (I 30) that those foolish persons who do not practise deceit towards the deceitful suffer defeat, for rogues kill such men just as sharp arrows pierce

the body that is unprotected by armour. Not kings but sages free from desire, she further says (I 42), attain success through self-restraint. Supporting the view of the queen, Bhīma observes (II 8–10 ; 12) that it is the mark of a wise man to tolerate the high prosperity of an enemy if it is bordering on decay, but not even his great decline if this is likely to be crowned with success. The wise man, he continues, should adopt a policy of indifference when he thinks the enemy's decline to be great and immediate and his own to be the reverse, but in the contrary case he should take steps to counteract the enemy : fortune deserts those kings who overlook through indolence the rising power of their enemies : the policy, which has been settled after consideration of the fivefold counsel, is certainly the source of the revenue and the army, but this in its turn depends for its success upon unflinching energy.

The reply of Yudhishṭhira (II 25–53) which is addressed especially to Bhīma begins with a solemn warning against the evil of precipitate action and indulgence in the passions, especially of anger. The king who with equanimity of mind assumes mildness and severity according to the occasion, we are told by contrast, overpowers the world like the Sun with his majesty. This is followed by Yudhishṭhira's comforting assurance to his brother about the approaching doom of Duryodhana because of the innate haughtiness of his temperament. The king who is inflated with insolence and pride, we are told, cannot give up foolishness, he who is foolish is diverted from the path of policy, he who is impolitic is disliked by the people : an enemy, however, powerful, is easily vulnerable when he is afflicted with disaffection of his subjects, and his roots are gradually dried up : a revolt, however slight, which is produced by disaffection of a king's inner circle, is sure to strike him down. From the above follows the conclusion that the wise king may overlook the prosperity of the enemy who is wanting in modesty, for the prosperity of such a person is sure to end in disaster. The territory of a king, we are further told, who has alienated the internal and external elements of his kingdom because of his mean nature is overpowered by his immediate neighbour.

The above extracts involve the balancing of two opposite lines of policy of inter-State relations. These relate to the types analysed by us above in the didactic extracts of the *Mahābhārata* (Chapters VI and XIII). Thus in the first place treacherous fighting against a deceitful enemy is justified by the first speaker, while the Kshatriya's behaviour in contrast with that of the sages is held to be one of self-assertiveness. Similarly the selection of foreign policy is based by the second speaker upon a comparative estimate of strength of a pair of States, not so much in its immediate as in its prospective context, leading to the conclusion that a king should adopt the policy of neutrality or war according as his prospective condition in relation to the enemy is one of decline or progress. Along with the above it is held that while the strength of counsel is the source of that of material resources, the former in its turn depends upon the strength of prowess. Of

this group of principles the first recalls Kauṭilya's grand argument in favour of treacherous fighting, the second reflects the view of the speakers in the *Mahābhārata* extracts quoted elsewhere about the distinctive nature and functions of the Kshatriya following from the law of his order, the third is in accord with the *Arthaśāstra* line of foreign policy based upon comparison of the threefold condition of States, while the fourth and the last agrees with the Teacher's view (quoted by Kauṭilya IX 1) about the relative importance of the three factors of the strength of States. By contrast the third speaker argues firstly, that a mixture of severity and kindness instead of unmixed severity is the king's true policy, and secondly, that neutrality towards a foreign enemy is justified in spite of his present progress in the context of the causal chain connecting a king's haughty character with bad policy, the disaffection of his subjects and eventually his vulnerability to hostile attack. The former argument repeats a familiar principle of statecraft in Manu and the other *Smṛitis*, while the latter is reminiscent of Kauṭilya's reference to the reaction of a king's character upon the attitude of his subjects, and eventually upon his security against the foreign enemy.

The *Bhaṭṭikāvya* (otherwise called *Rāvaṇavadha*) of the poet Bhaṭṭi contains an original account (XII 14f.) of a discussion in Rāvaṇa's council of ministers regarding the selection of the policy towards Rāma. Among the speeches of the ministers that of Rāvaṇa's wise and virtuous brother Vibhīshaṇa (ibid. 23–46) is the most important. We are here concerned with his discussion of the problems of foreign policy. When the enemy, he says, is devoid of policy, self-indulgent and addicted to the six vices of human nature, his prosperity may be disregarded since by producing disaffection (of the subjects), it is attended with complete destruction in the long run: when a king has his vices under control, is gifted with intelligence, and has contented subjects, he may in view of the certainty of ultimate success overlook his own stagnation and make a treaty with the enemy: when a king finds that his own people are ready and are impervious to the intrigues of his enemy, he should seek his prosperity through war with the support of his forts. How the policies of treaty (*sandhi*) and neutrality (*āsana*) should be implemented is told in the following lines. A king under a treaty, we read, should seek his own prosperity while he should slay the enemy by the use of poison and similar secret arts: he should seduce the enemy's partisans by the agency of spies, or else he should provoke others to attack him and force him to a humiliating treaty: he who is unable to slay his enemy and whom his weak enemies are unable to slay, should foment a quarrel of the nature of the strife between the dog and the boar provoked by a huntsman, and he should strengthen his fortifications and adopt neutrality. Turning finally to the concrete question of Rāvaṇa's policy towards Rāma, the speaker explains in the first place that between the two Rāvaṇa is the weaker party because of his self-indulgence and the foolishness of his ministers as well as the disaffection of his subjects and the alienation of his neighbours. The policy towards Rāma, the speaker continues, should be selected in the above

context : the fight of weak Rāvaṇa with his strong adversary would be like fighting an elephant on foot : fighting even between kings of equal strength is destructive of both like a clash between two unbaked vessels of clay : on the other hand a treaty between Rāma and Rāvaṇa, 'who are afflicted each by the other', is possible like the forging of two pieces of red-hot iron. Repeating his warning against fighting Rāma, the speaker observes that a politic king cannot be conquered, while by waging war with him one certainly incurs loss of men and money and so forth, but reaps no advantage.

The above extracts involve the application of a few familiar features of the *Arthaśāstra* policy of inter-State relations. The speaker repeats in the first place the principle of the selection of foreign policy based on a comparative estimate of 'the threefold condition of States' adjudged not in its immediate but in its prospective context. Neutrality in the face of the enemy's prosperity, we are similarly told, is justified by the prospect of his ultimate Decline, treaty is justified in spite of a king's present Stagnation by the prospect of his Progress, while war is justified in the event of a king's patent present progress. The criterion for this estimate of the relative strength of States, it is explained, is the character of the ruler and the attitude of the subjects towards him. In the second place, the speaker repeats the characteristic *Arthaśāstra* methods of implementing the policies of Treaty and Neutrality above mentioned. Treaty, we learn, is consistent with treacherous attack on the enemy and his partisans, and Neutrality with fomenting strife between the enemy and his neighbours as well as military preparedness. Thirdly and lastly, the speaker discusses the relative merits of the policies of Peace and War. War with a strong or a politic and even an equal king, he thinks, is condemned by sound policy, while Peace is justified between two powers after an initial armed test of their strength.

The epic poem called the *Jānakīharaṇam* of the poet Kumāradāsa contains an original account (x 6–41) of King Daśaratha's instructions to his son Prince Rāma in the art of government on the eve of the latter's proposed installation on the throne following his own intended retirement to the forest. The speaker refers in one place to the qualifications of the ruler. When the king, we are told, is heroic, chaste, skilled in policy and acquainted with the worth of men, and when the people are well protected, they make him prosper with the payment of taxes. The greater part of Daśaratha's speech is concerned with the problems of diplomacy and inter-State relations. Declaring that one who, though armed, does not wish for conquest, is a disgrace among Kshatriyas, the speaker compares the relative merits of the four expedients of State policy. Conciliation (*sāma*), he says, converts enemies into neutrals and neutrals into allies, while it fixes allies in firm friendship : conciliation gratifies one's own self and others, and as such is beneficial in the field of statecraft. To this the speaker adds with a touch of guile that it is proper for a wise man to apply conciliation even when wishing

to kill his enemy, for does not the huntsman wishing to kill a deer lull it with songs ? By contrast the policy of bribery (*dāna*) is of secondary importance. For we read that conciliation completely divorced from bribery is regarded as amounting to trickery, while conciliation which is attended with a slight dose of bribery after the teaching of Uśanas is proper. On the other hand wealth given without bestowing honours and without conciliation in matters of policy (*nīti*) is condemned by the wise. A formidable enemy, we are next told, is slain with the help of a king posing as his friend, just as a mass of iron enveloped in flames and sparks is shattered by means of a sledge-hammer : when a hereditary minister who has reached the summit of his master's affections is won over by the enemy's intrigues and is led to seek the latter's protection, the fall even of a lord of the earth is certain : the king who has recourse to the use of relentless force (*daṇḍa*) when other expedients are difficult of application, the speaker finally says, reaps the beneficial and complete fruit of policy : not to speak of groups of kings, even a foolish cowherd feels himself unable to guard his cattle for long without force. The king relying solely upon his army, revenue and forts, the speaker further observes, can certainly protect himself alone, but he cannot protect his kingdom. The speaker concludes by advising Rāma to apply the principles of policy in the matter of consolidation of the constituent elements of his kingdom (*prakṛiti*), and to destroy his internal and external enemies. In the above long extract we have a number of principles which are generally in accord with the late *Arthaśāstra* and *Smṛiti* tradition. Firstly, we are told that the king's qualifications based upon his character and intellect are the road to his successful government. Secondly, we read that the policy of conquest is imposed upon the king by the Kshatriya code of honour. Thirdly, it is stated that among the traditional four political expedients conciliation is the best with bribery as a useful supplement of the same but not a substitute thereof, that dissension is the surest and the most formidable means of winning success against the enemy, and that force is justified in the last resort. Fourthly and lastly, we read that the application of policy, though not necessary for the king's personal security, is indispensable for the purpose of internal consolidation of the State as well as its external security.

The fullest and the most important discussion of the policy of inter-State relations in the classical Sanskrit literature of this period is found in the *Śiśupālavadha* epic of the poet Māgha. It contains an original account (Canto II) of Kṛishṇa's consultation with his elders in the dilemma arising from the necessity of making his choice between two courses. Should he accept his friend Yudhishṭhira's invitation to attend the *Rājasūya* ceremony at Indraprastha, or should he march forth for an immediate attack on his enemy Śiśupāla, king of Chedi ? Pleading in his opening speech in favour of the latter alternative Kṛishṇa says (II 10) that one wishing for his own good must not neglect an enemy rising to power, for a growing disease and a rising enemy are declared by the wise to be alike. This reproduces a familiar

Arthaśāstra line of policy (repeated likewise in a passage of the *Mālavikāgnimitra* quoted above), which recommends immediate attack on a rising enemy. Kṛishṇa is abruptly followed by his elder brother Balarāma in an impetuous speech (II 26–66) which is introduced by him as a commentary upon the short and pregnant address of the previous speaker. Balarāma begins with a characteristic sneer at the fools who derive their knowledge of the categories of political science (namely, the six *guṇas*, the three *śaktis*, the three *siddhis* and the three *udayas*[2]) from the study of books, and whose tall talk is unaccompanied by experience. In the following verses the speaker, after defining (as explained above) the double content of statecraft, namely, winning success for one's own self and inflicting injury upon the enemy, applies his definition to the sphere of inter-State relations. High-spirited persons, he says, do not progress without killing their enemies by the roots, success is difficult to attain without extirpating the enemy, and there can be no happiness so long as a single enemy lives. The speaker illustrates the danger arising even from a single enemy by two expressive similes. Water, he says, cannot rest on dust without turning it into mud, and the demon Rāhu afflicts the moon in the sight of the gods. The speaker amplifies his statement of policy by classifying friends and foes under three heads, namely, those made as such by some cause (*kṛitrima*), those that are natural (*sahaja*), and those that arise from a certain situation (*prakṛita*), and he concludes that the first category of friends as well as foes is the most important. One should, it is explained somewhat paradoxically, make peace even with an enemy who has done him good, but not with a friend who has done him wrong. Applying this general principle to the present instance, the speaker observes that Kṛishṇa and Śiśūpala, having injured each other in the matter of obtaining their wives, are enemies by cause, and are therefore irreconcilable. This leads the speaker to point out what he thinks to be the fundamental cause of war, namely, women. Of the mighty tree of enmity, he says, women are the principal roots. In the following verses the speaker mentions various principles in justification of his policy of an immediate attack on the enemy. These relate to the danger of neglecting a vengeful and wronged enemy, the frustration of the mild and the success of the spirited, the impolicy of applying conciliation to an enemy capable of being overcome by force alone, and the evil of ministers who spoil the king's cause by the misapplication of the six forms. In the concluding portion of his speech the speaker refers to the conflict between two opposite schools of thought, one applying the lessons of the technical science and the other the test of actual strength of the State concerned. For he quotes only for criticism the authoritative view recommending the policy of attack when one's own strength is waxing, and again when the enemy is in distress. The policy which recommends attack on the enemy when in distress, he argues, is a source of shame to the high-spirited : an enemy who is at the height of his power fills the high-spirited with satisfaction, 'just as the moon when full gives satisfaction to her oppressor Rāhu'. The speaker further illustrates the

contradiction between unlimited strength and strength controlled by the technical science by the analogy of the incompatibility of light and darkness.

The above extract is important for a number of reasons. In the first place, the speaker brings into clear relief for the first and the last time in the history of our ancient political thought the conflict between two schools of opinion which may in modern parlance be called the *doctrinaires* and the exponents of *Real-Politik*. This conflict is decided by the speaker emphatically in favour of the latter school. In particular we are told on the ground of incompatibility between authority and high spirit that the restraints imposed by the technical science should not weigh with a high-spirited king bent on marching against the enemy. In the second place the speaker hints at the conception, so familiar to us from its denunciation by the Buddhist canonists, that Politics is a dismal science aiming exclusively at one's self-aggrandisement at the cost of his neighbour. Thirdly, the speaker repeats with some exponents of the *Arthaśāstra-Smṛiti* thought the policy of ruthless and complete destruction of the enemy (and especially of an enemy for some cause), while he recognises rivalry over women as the most important cause of enmity between rulers. Fourthly and lastly, the speaker, agreeing with the old *Arthaśāstra* tradition, justifies an immediate attack upon the enemy on the grounds of general policy such as the danger of neglecting an enemy and the folly of conciliating one who is amenable to force alone.

While the speech of Balarāma betrays an almost aggressive contempt for the rules of the technical science of polity, that of Uddhava, uncle of Kṛishṇa (II 76–117) bears the impress of his sage and mature reflections on the same. The first important point discussed by the speaker is concerned with the old *Arthaśāstra* problem of the comparative merits of the three Powers (*śaktis*) of the king. Criticising Balarāma's plea for the naked exhibition of enterprise, the speaker points out the necessity of the intellectual factor as well. Intellect (*prajñā*) and enterprise (*utsāha*), he says, are the two sources of future advancement of an aggressive king, and therefore he should try to secure both for himself: wise people who follow steady resolve accompanied by reason never know fatigue: those who are keen-witted do much work with little effort unlike the dull who make great effort, but accomplish little: the dull undertake little and yet become nervous unlike the wise who undertake much and still remain unnerved: when one is careless he fails to attain his end though he has adopted means for its accomplishment, and the aggressive king alone among the twelve kings belonging to the State-system can hope to prosper, provided he does not give up enterprise. The speaker illustrates the dominant part played by the intellectual factor in a king's make-up by a remarkable metaphor. The king forsooth, he says, is an extra-ordinary being with intellect for his weapon, the seven constituent elements (*prakṛitis*) for his limbs, close secrecy for his coat of mail, spies for his eyes, and messengers for his mouth. In a later passage the speaker, after promising success to the king against his enemies when he is conversant with affairs in his own and in his enemy's kingdom and when he controls his State-system

by means of the political expedients, illustrates his view of the relation of the three Powers by an expressive simile. The lofty tree of enterprise (*utsāha*) having the strength of intellect (*prajñā*) for its main root, he says, bears the mighty fruit of material strength (*prabhuśakti*).

The second important point dealt with by Uddhava is concerned with the question of the application of force in the branch of State policy. The king who knows the time for action, we are told in answer to Balarāma's plea for an immediate attack on the enemy, does not exhibit severity and forbearance exclusively : he bears the wrong done by the enemy without showing any perturbation, but when the time comes he strikes the latter like a fell disease with irresistible might : force secured by mildness succeeds in securing one's ends. The wise man does not depend solely upon fate or upon exertion, but he depends upon both : it is when the leader is forbearing that the other kings work for him : when the king uses the six forms of foreign policy according to his strength like a medicinal tonic, the limbs of his kingdom become strong and enduring : when kings show forbearance at the proper time and exert themselves according to their strength, they attain prosperity but exertion without reference to one's strength leads to decline. The speaker's own advice in the present context involves the employment of the familiar weapon of espionage based upon the appreciation of its function in relation to statecraft. For while asking for the employment of qualified spies for detecting the enemy's strength and creating dissensions among his officers, and also for coaxing the kings to attend the ceremony at Yudhishṭhira's capital with the sure prospect of causing a split between them and the enemy, the speaker observes, 'Statecraft does not succeed without spies even if one takes no steps outside the sacred texts and pays handsome allowances and corrodies to his assistants'. Summing up the merits of the above speech, the poet observes (II 118) that with its masterly analysis of all details and its accordance with the current line of policy and its secrecy it decided Kṛishṇa's course of action.

The above extract describes several lines of policy more or less after the late *Arthaśāstra-Smṛiti* pattern. In the first place, we are told that the strength of the intellect and that of enterprise (technically called *mantraśakti* and *utsāhaśakti* respectively) are equally necessary in the interests of successful administration at home and abroad. Going deeper into the problem, the speaker says that the strength of the intellect is the primary source of the strength of enterprise which in its turn is the origin of the strength of material resources (*prabhāvaśakti*). With this relative estimate of the three powers may be compared the view of Kauṭilya quoted above, declaring the strength of the intellect to be superior to that of the material resources, and this again to the strength of enterprise. In the second place we read that force tempered with forbearance as well as exertion joined to destiny is the secret of political success. Force, again, must be applied according to the measure of one's strength. Thirdly and lastly, we are told that espionage is the essential instrument of government.

THEORIES OF GOVERNMENT

The statements of governmental principles and policies by the authors quoted above contain a few references to their theory of government. In Kālidāsa's description of King Dilīpa (*Raghuvaṁśam*, I 20) we read that his counsels were secret, and that his outward expressions and gestures were inscrutable, and therefore his measures could be inferred only from the result. In a verse (I 15) of *Mudrārākshasa* dealing with the qualifications of the ministers, a king points out the uselessness of mere loyalty without wisdom and valour, and of wisdom and valour without loyalty. He sums up by saying that those are the king's true assistants in whom all the three qualities of wisdom, valour and loyalty are developed. In one of the gnomic verses (no. 33) in the *Nītiśataka* of Bhartṛihari we are told that kings are destroyed by bad counsel. In Bhaṭṭi's description of Rāvaṇa's consultation with his ministers (*Bhaṭṭikāvya*, XII 14f.) the king introduces the discussion by saying that the work done after consultation with ministers who are capable, loyal, intelligent, skilled in policy and so forth, is crowned with success. Joining in the debate Rāvaṇa's virtuous brother Vibhīshaṇa begins by rebuking the hot-headed warriors advising just before his own address an immediate attack on Rāma. The use of wisdom, he explains, and not the display of heroism, falls within the scope of State-deliberations (*mantra*). The last speaker in the debate, namely, Rāvaṇa's brother Kumbhakarṇa, after analyzing the five constituents of good counsel as known to the *Arthaśāstra* tradition (namely, consideration of the work to be undertaken, of the human and the mechanical means for its completion, of the factors of place and time, of the means of averting obstacles and of ensuring the result), points out the exceptional importance of the factors of place and time. He who does not transgress the factors of time and place, we are told, realises the complete fruit of counsel, but he who out of pride disregards the time-factor never attains success. In the poet Kumāradāsa's description of Daśaratha's instructions to his son (*Jānakīharaṇam*, X 6–41), the king deals in one place with the qualifications of ministers. One with high merits but without noble descent, he says, should not be raised to high position, for who would place on his head a foot-ornament though decked with jewels? On the other hand a fool, though of high descent, who is known not for any good quality but simply for his family, should be shunned by a king as if he were a Chaṇḍāla. The king never comes to grief when he engages the services of ministers who possess the qualifications of birth and merit, who are purified by tests and who are hereditary.

The above extracts involve a number of principles agreeing generally with the late *Arthaśāstra* and *Smṛiti* ideas. These are firstly, the principle of the secrecy and soundness of State-counsel; secondly, that of selection of ministers in accordance with the qualifications enumerated as loyalty, wisdom and valour (*Mudrārākshasa*), or as loyalty, intelligence, capacity and knowledge of policy (*Bhaṭṭikāvya*), or as birth combined with merit (*Jānakīharaṇam*), and thirdly that of special significance of the factors of place and time in the application of counsel.

RELATIONS BETWEEN THE SPIRITUAL AND THE TEMPORAL POWERS

We may conclude this chapter with the quotation of a few extracts bearing on the mutual relations of the spiritual and temporal powers. In Kālidāsa's *Raghuvaṁśam* (I 60–64) we are told that King Dilīpa, replying to a question of the family priest (*purohita*) Vaśishṭha, assures him that welfare reigns in all the seven elements (*aṅgas*) of his State, since Vaśishṭha is there to avert all providential and human calamities : Vaśishṭha's spells, Daśaratha explains, discomfit the king's enemies even from a distance, while the oblation offered by him to the sacred fire according to the proper rites turns itself into rain for nourishing the crops: that the subjects have their full span of human life, that they are free from fear and that they are not visited by calamities, the king concludes, is all due to the sages' spiritual power. In the second extract (VIII 4) of the same work the poet, while describing the consecration of King Aja by Vaśishṭha, observes that because of the performance of all rites by the sage, he became unassailable to his enemies. This is justified by the argument that when the spiritual power is united with military strength, it becomes formidable like the union of wind with fire. In a third extract (I 17–21) occurring in the *Bhaṭṭikāvya* the poet Bhaṭṭi, while describing the episode of the sage Viśvāmitra's invoking the aid of Prince Rāma against the demoness Tāḍakā, observes that the Kshatriya power and the Brāhmaṇa power exist for each other's benefit. In the first two extracts the poet repeats the old Vedic doctrine of dependence of the temporal power upon the spiritual. This is based upon the double conception of the *purohita*'s functions, —his negative function in preventing calamities of the king and the community by his spells and his positive function in ensuring rainfall for the people's subsistence through his sacrifices. The third extract by contrast reproduces the old Vedic doctrine of interdependence of the two powers.

CHAPTER TWENTY

NOTES

[1] For parallels to verse no. 38 of Bhartṛihari's *Nītiśataka* in the literature of fables (*Pañchatantra*, *Hitopadeśa* and *Tantrākhyāyikā*) and of anthologies (*Subhāshitāvali* and *Subhāshitaratnākara*) *vide* D. D. Kosambi, *Śataka-trayam of Bhartṛihari*, loc. cit.

[2] This last refers to the category of Progress, Equilibrium and Decline of States for which see pp. 93ff. and 138ff. above.

CHAPTER XXI

THE TECHNICAL WORKS ON THE SCIENCE OF POLITY—III THE *NĪTISĀRA* OF KĀMANDAKA AND MISCELLANEOUS WORKS

(A) THE *NĪTISĀRA* OF KĀMANDAKA

INTRODUCTORY

AMONG the technical works on polity which may with some confidence be assigned to this period our interest belongs chiefly to the *Nītisāra* ('Essence of polity') of Kāmandaka. In the first place, with the exception of the slight *Bārhaspatya-Sūtra* (The Aphorisms of Bṛihaspati) tentatively included by us in this chapter, it is for this period the only complete work of its class that has come down to us, the rest being known to us only from quotations by later writers. In the second place, the *Nītisāra* seems to have been deliberately planned so as to follow the *Arthaśāstra* pattern. In his Introduction the author, after offering his salutation briefly to royalty in general and more fully to his master Vishṇugupta (Kauṭilya), announces (I 8) his intention to instruct kings in the ways of acquisition and preservation of dominion. With this may be matched Kauṭilya's salutation to Śukra and Bṛihaspati at the beginning of his work, as well as his definition of the objectives of *Arthaśāstra* quoted in a previous chapter (VI). And yet it is undeniable that a long distance separates Kāmandaka from his forerunners in this branch of learning. In the Introduction which we have quoted above in part, he observes that out of love for 'the kingly science' (*rājavidyā*) he has written what is in accordance with the teachings of those versed in this science. This is the language of a scholar writing his manual for the instruction of kings in the light of his study of the older masters. Judged only from this modest standpoint, Kāmandaka's work is not without its merits. The author omits the whole material in Kauṭilya's *Arthaśāstra* relating to the working of the State administration and the branches of law and justice, which evidently did not interest his scholastic taste. But he arranges the remaining material under more convenient headings. These comprise the divisions relating to the king's education (three cantos), the king's application of *daṇḍa* (one canto), the merits and defects as well as functions of the seven constituent elements of the State (three cantos), the policy of security of the king and the people (three cantos), the State-system (two cantos), the six types of foreign policy (three cantos), the king's consultation with his ministers (one canto), the function of the ambassador (two cantos), the list of the king's traditional vices (one canto), and the political expedients (twelve cantos). The *Nītisāra*, again, is the first known

work on the science of polity written in the style of artificial poetry, containing as it does the division into cantos (*sargas*) and sections (*prakaraṇas*), a variety of metres, and numerous poetical similes and metaphors. Well may the author claim (I 7) that he has written a work which is concise, but full of meaning. Testimony to its subsequent influence is borne by the number of its commentaries and the wholesale incorporation of its verses in later works as well as its quotation as an authority in later digests on polity and the sacred law, not to speak of its abstracts or counterparts in the literature of Indo-China and Indonesia.[1]

Among the masters of 'the kingly science' whose works according to the author formed the basis of his manual, one holds a conspicuous place. In his Introduction to which reference has been made above, the author (I 2-8) extols the high lineage and Vedic learning of Vishṇugupta (i.e., Kauṭilya) as well as his double achievement in singly raising Chandragupta (Maurya) to the throne after the destruction of the Nanda king, and in rescuing the nectar of the science of *Nītisāra* out of the ocean of *Arthaśāstra*. What is more, he expressly declares his work to be based upon the teaching of that great master of all learning. This statement is fully borne out by the internal evidence. For the author, while enumerating the different views of other authorities on the *Arthaśāstra*, twice (II 6: XI 40) quotes the opinion of Kauṭilya as that of his master. The author, again, within the limits set before himself closely follows Kauṭilya's views and freely paraphrases his arguments. In the second place we may conclude from the author's references that he was indebted to the *Smṛiti* tradition for some of his basic ideas, notably about the relation of law to enlightened opinion, and the authority as well as obligation of the temporal ruler. We may further surmise from his pointed references to the moral issues of his statecraft, with illustrations drawn from the epic tradition, that he was inspired by the thought of Bhīshma in the Great Epic.

THEORIES OF LAW OF THE SOCIAL ORDER

Kāmandaka's ideas of the authority and sources of the law of the social order (*dharma*) summarize after Kauṭilya the *Smṛiti* view on the subject. The sacred canon (*trayī* in the wide sense adopted by Kāmandaka after Kauṭilya), we are told in one extract (II 7-35), deals with the law (*dharma*) and its opposite: the author, again, after enumerating the *Smṛiti* list of duties of the castes and orders observes with the older masters that the law (*dharma*) which relates to all the castes and the orders leads to heaven and salvation, while without it the people would suffer intermixture and destruction. The king, we are further told, sets in operation this whole scheme of duties, and without him these would be lost and without the duties the world would perish. The above extracts evidently repeat the *Smṛiti* principle that the law of the social order is derived principally from the Sacred Canon, and that it is further supported by spiritual as well as temporal sanctions.

While thus repeating the *Smṛiti* conception of *dharma* in its dogmatic aspect, the author elsewhere (VI 7) reproduces in part its rational aspect. In this passage the author, while asking the king to punish in the interest of the law of the social order (*dharma*) all those who are oppressors of his subjects, defines *dharma* in a significant fashion. What in the act of its performance is praised by Āryas versed in the canon, he says, is *dharma*, and what they condemn is its opposite. This extract repeats Āpastamba's celebrated dictum declaring enlightened public approval in the final analysis to be the criterion of the law of the social order.

AUTHORITY AND OBLIGATION OF THE TEMPORAL RULER

Kāmandaka's ideas of the authority and obligation of the temporal ruler follow the general *Smṛiti* pattern. It is characteristic of the author that in his opening verse (I 1) where it is customary to offer salutation to a deity for removal of obstacles, he makes a laudatory reference to the king, the lord, the auspicious one, the wielder of the rod of chastisement, through whose might the world keeps to its eternal path. Protection (of the people), he says in a second extract (I 12-13), depends upon the king, and (their) livelihood depends upon protection : should the people's livelihood be cut off, they could not live even if they breathed : like the rain-cloud, the king is the support of creatures : they could live even if the rain-cloud went wrong, but not when the king did so. In a third extract (II 34) quoted above, we have seen how the author, after declaring the king to set in operation the whole scheme of duties, observes that without him the law (*dharma*) would disappear, and with the disappearance of the law the world would perish. The above passages evidently repeat a familiar *Smṛiti* principle of the king's authority, namely, that the king's office is the grand safeguard of the people's security as well as the stability of the social order after the canonical standards.

The principle of the king's authority is discussed by the author with greater acuteness in other passages. The king who is approved by the aged, we read in one place (I 9-11 ; 15-17), is the cause of prosperity of this world, and he gladdens the eyes just as the Moon gladdens the ocean : should the king not be a good guide, the people would suffer complete destruction like a boat without the helmsman : the people honour like the Lord of Creatures the king who is virtuous, who protects his subjects well, and who is a conqueror of the enemy's towns. The king who is devoted to righteousness unites himself as well as his subjects with the threefold end of life, but he who is otherwise surely destroys both. The author further asks the king by quoting instances of the fate of virtuous and sinful kings to pursue Wealth (*artha*) through Virtue (*dharma*), for it is through Virtue that the State (*rājya*) flourishes with resulting good fortune to the king. In the above passages the author applies a well-known *Arthaśāstra-Smṛiti* principle, namely, that of the king's qualifications to the concept of his authority. While the king with the requisite qualifications (popularity, capacity,

virtue and valour) is conceived to be capable of ensuring complete security and happiness of the individual and prosperity of the State, the king without these qualifications is held to be the cause of the people's destruction. In contrast with the above discussion of the principle of the king's authority, Kāmandaka's treatment of the complementary policy of the king's obligation is totally inadequate. Only in one place (II 20) the author in the course of an enumeration of the duties of castes, singles out protection of creatures along with living by the use of weapons as the distinctive duty (*dharma*) of the king. This of course repeats the *Smṛiti* principle of the king's ethico-religious obligation of protection.

In his theory of the coercive authority (*daṇḍa*) of the king Kāmandaka (II 37-43) repeats some of the basic ideas of the *Arthaśāstra-Smṛiti* tradition. With severe *daṇḍa*, we are told, the king afflicts (his subjects) and with mild *daṇḍa* he is overpowered by them, while he who is just in his application of *daṇḍa* is praised by them: when the king's *daṇḍa* is applied properly, it quickly leads to increase of the threefold end of existence, but should it be directed without discrimination, it would alienate even the ascetics living in the forest: *daṇḍa* should be applied in accordance with the worldly science (*lokaśāstra*), and while its application without afflicting the people leads to good fortune, its infliction for their oppression produces sin, and thence follows the destruction of the king. In the following lines the author advances a general plea for *daṇḍa* in the light of his conception of the tendencies of human nature. As the world, he says, tends to depart from its path of duty because of beings preying upon one another, there follows in the absence of *daṇḍa* the destructive condition indicated by the maxim of the larger fishes devouring the smaller (*mātsya-nyāya*). The world, shelterless and being caused perforce to sink into hell by the passions of men, is upheld by the king by means of *daṇḍa*. This world, with the passion for worldly objects holding it down and with people coveting one another's wives and possessions, is made to rest on the eternal path trodden by good men under pressure of fear of *daṇḍa*. In this world which is swayed by the passion for worldly objects it is rare to come across the behaviour of good men: even the husband who is lean or maimed or diseased or poor, is obeyed by the wife out of fear of *daṇḍa*. It will be convenient for us to explain the significance of the above passages in the reverse order of their enumeration. The author, in the first place, following the *Arthaśāstra-Smṛiti* precedent, justifies the king's use of *daṇḍa* by reference to the tendencies of human nature. Men, it is explained, are by nature not good, but are combative, passionate and worldly, and therefore fear of *daṇḍa* is the only preventive against anarchy symbolized by the law of the jungle as well as the safeguard of individual security and the fulfilment of individual obligations. In the second place, the author, dealing with the technique of *daṇḍa* on familiar lines, warns the king against excess or impropriety in its application on the score of State policy. While severe *daṇḍa*, we are told, breeds disaffection of the subjects and involves the king in ruin, and while mild *daṇḍa* encourages disregard of

the king's authority, just *daṇḍa* ensures respect for authority as well as complete happiness of the individuals.

THEORIES OF STATE-STRUCTURE AND GOVERNMENT

Kāmandaka's views of the structure of the State follow the ideas of Kauṭilya. Describing the seven limbs of the State (*rājya*) as mutually helpful, he observes in one place (IV 1-2) that the State does not work well even if it is deficient in a single limb, and he therefore advises the king quickly to examine it with a view to making it whole. And yet he says (XIV 59), at the conclusion of his chapter on the respective functions of the constituents of the State (*prakṛiti*), that the king exerting himself and making policy his guide leads all the rest to progress, but if he is himself afflicted with calamities, he causes their ruin. Again he observes (XIV 93) towards the close of his chapter on the calamities of the *prakṛitis* that these should be regarded as more and more serious in the ascending order of enumeration with the king coming at the top. In another extract (VI 2-3) Kāmandaka, after dividing the State (*rājya*) into two units, namely, the king and the State territory (*rāshṭra*) forming its inner and outer part respectively, observes that these two should be regarded as one because of their interdependence. Nevertheless he declares all the other units of the State to derive their origin from the *rāshṭra* and enjoins the king accordingly to improve the *rāshṭra* in all ways. Similarly in another passage (XV 1-2) the author, after stating that the remaining *prakṛitis* are called the State (*rājya*) in the narrower sense, says that the calamity of the king is more serious than that of the *rājya*. For when the king is free from calamities, he can remove those of the *rājya*, but (even) the powerful *rājya* is unable to remove the calamities of the king. In these extracts the author repeats, in the first place, Kauṭilya's twofold conception of the State-structure comprising a larger list of seven and a smaller group of two units. In the second place, the author follows Kauṭilya's double conception of the mutual relations of the state units. This involves, on the one hand, the conception of their differentiation and integration, and on the other hand that of their gradation in order of merit, with one unit, namely the king (or alternatively the state territory) dominating all the rest.

We may consider Kāmandaka's theory of government under two principal heads, namely, the king and his officials.

1. THE KING. In the extracts quoted above, we have seen how the author declares the calamity of the king to be more serious than that of the remaining *prakṛitis* individually as well as collectively. It would seem therefore that the author agrees with Kauṭilya in his conception of the pre-eminent position of the ruler in the State-structure. The scheme of the king's education is dealt with by Kāmandaka in his opening Cantos. The king, we read (I 25), should first of all equip himself with discipline (*vinaya*), then his officials and assistants, then his sons, and lastly his subjects. As the author pertinently asks (I 39), how can a king who cannot control even his

own mind conquer the earth extending to the ocean's merge ? Discipline, the author observes (I 21-2 ; 27 ; 32 ; 56-60 ; 63 ; II 1) in this context, is synonymous with the mastery of the canon and is the source of policy, while one possessed of discipline which is a synonym for control of the senses can acquire proficiency in the canon and consequent good fortune : the king, therefore, should subdue his senses by the strength of knowledge : in particular, he should shun the three vices of hunting, gambling and drink, and conquer the six enemies, namely, the passions of desire, anger, greed, excessive joy, over-sensitiveness, and pride : the king should further wait upon the aged to guard himself against the danger of falling into evil courses : thus equipped with discipline he should ponder over the four sciences (Philosophy, the Sacred Canon, Economics, and Politics) in the company of those versed in the theory and practice of the same. In the above extracts the author formulates after Kauṭilya an integrated scheme for the development of the king's intellect and character. The king, we read, should acquire self-discipline through knowledge and association with the aged, while he should study the four traditional sciences after equipping himself with discipline which is the first requisite for his successful administration.

In two other Cantos (XIV and XV) Kāmandaka describes more or less after Kauṭilya's pattern the king's qualifications as well as his characteristic vices (*vyasanas*). He reproduces the traditional number (namely, seven) of these vices, of which three (namely, harsh speech, severe punishment, and oppressive exactions) are said to be derived from anger, and the other four (namely, hunting, gambling, drinking, and indulgence in women) are stated to be derived from desire. In this connexion it is interesting to observe that Kāmandaka holds with Kauṭilya that the king who is wanting in the eye of canonical learning is a worse evil than a blind king, for while the latter is led on the right path by wise ministers, the former being impelled by pride destroys himself together with his kingdom. Among the seven vices, the author concludes with Kauṭilya, one is enough to cause the king's ruin, not to speak of them joined together.

2. THE OFFICIALS. Kāmandaka's views under this head (Cantos XXI, XXIII-XXV, XXVII-XXIX) are altogether wanting in originality. We have observed elsewhere how the nature of the official's functions was discussed by the *Arthaśāstra* masters including Kauṭilya in the course of their comparative estimate of 'the calamities' of the constituent elements of the kingdom. Kāmandaka by contrast reproduces in metrical form Bhāradvāja's argument (though not his conclusion) justifying his view of the relative superiority of the official's 'calamity' in comparison with that of the king. Similarly he reproduces Kauṭilya's list of qualifications of the officials (*amātyas*) to which he adds a number of qualifications of the minister (*mantrī*). As regards the technique of the king's deliberation with his ministers the author repeats some of Kauṭilya's basic ideas. Such are the superiority of the power of counsel (*mantraśakti*) to the power of material resources

(*prabhāvaśakti*) and that of enterprise (*utsāhaśakti*) and the need for secrecy of counsel, not to speak of Kauṭilya's views of the five constituents of counsel and the constitution of the council of ministers.

PRINCIPLES AND POLICIES OF GOVERNMENT

Kāmandaka's general principles of government (Canto III) follow the best standards of the *Arthaśāstra-Smṛiti* tradition. Enjoining the king to do good to his subjects 'like the Lord of Creatures', the author asks the king to exhibit compassion (especially towards the poor), to associate with the good and avoid the bad, to use sweet speech, to honour the preceptor, to trust friends, to shun pride and jealousy and so forth.

The author's discussion of the old *Arthaśāstra* category of political expedients is conveniently gathered together in a separate chapter (Canto XVIII) of his work. Since revenue and counsel without the troops, he says at the outset, constitute the (primary) means of waging war, one should apply them for winning victory over the enemy. The author next quotes a category of political expedients comprising, in addition to the generally accepted group of conciliation, bribery, creating dissension, and force, a further list consisting of deceit (*māyā*), indifference (*upekshā*) and creating illusion (*indrajāla*).[2] In the following lines the author distinguishes between the varieties of the first group of expedients. Punishment (*daṇḍa*), he particularly observes, is of three kinds, namely, execution (*vadha*), imposing fines and inflicting corporal punishment. Execution is further subdivided into two varieties, namely, the public and the secret, the last involving the use of poison, secret appliances, weapons, ointments causing sores and so forth. One who is hated by the people as well as one who is an enemy, the author adds in the spirit of Kauṭilya, should be punished with public execution, while secret execution is intended for the king's 'favourites' whose public execution would rouse popular discontent as well as those who are too dangerous to be so punished. A Brāhmaṇa by mere birth, however, as well as a virtuous person of the worst caste, should not be punished with death. The author next describes the objects of application as well as the methods of implementation of the four principal types of political expedients. Those amenable to the expedient of dissension, we are told, are, firstly, the four groups of persons characterised as the angry, the greedy, the timorous, and the high-spirited ; secondly, the trio of the enemy's minister, his officials and the Crown Prince ; thirdly, the king's own family ; fourthly, one enjoying the status of the king's relation and living near his person ; and fifthly, one who is capable of causing as well as turning away trouble. As the minister is the king's eye and the officials and the Crown Prince are his two arms, the author explains, their seduction is equivalent to slaying the king himself. The author proceeds to show how the four expedients should be applied severally or collectively against sundry groups of persons, such as the enemy, the sons, the brother and the friend, the bad (*dushṭa*) and the good (*ārya*), the civil population living in town and country, the military officers and so

forth. The author next defines (with illustrations drawn as usual from Epic and Purāṇic tradition) the three remaining political expedients. Deceit, we learn, is of two kinds, namely, the human and the superhuman. The former consists in concealing men in cavities of divine images carved in the stone-pillars and clothing males in female dress (so that they might kill the enemy unawares), in showing portents at night (so as to betoken victory over the enemy), and in displaying live forms of vampires, meteors, demons and stones. The latter consists in changing forms at will, in dropping weapons, stones and water, in producing darkness or heavy winds or stationary clouds. Indifference is of three kinds, according as it involves non-prevention of the enemy from indulging in wrongful policy, in vices and in (unequal) wars. Finally we are told that for the purpose of producing alarm in the enemy's ranks one may create illusions meaning the display of miracles of different kinds, of troops at a distance and of bodies with torn limbs and dripping with blood.

The above extracts involve a number of important principles more or less after the old *Arthaśāstra* pattern. The author begins by indicating the superiority of revenue and counsel to the army as the sinews of war by an aggressive king, and thence argues for the application of policy in preference to force against the enemy. Secondly, the author expands the traditional list of political expedients so as to include within its range the whole list of a king's political relations extending from the utmost conciliation to trickery and murder. Thirdly, the author's application of these expedients (especially those of punishment and creating dissension) is based upon sound policy as well as subtle knowledge of human nature and appreciation of public sentiment. Of the light thrown by the above upon the author's ideas of the relation of morality to statecraft we shall speak elsewhere.

In so far as Kāmandaka's lines of State policy are concerned, we may divide them under the two broad heads, namely, those relating to the security of the king and the community, and those concerned with inter-State relations.

1. POLICY OF SECURITY OF THE KING AND THE COMMUNITY.

Kāmandaka deals in a separate Canto (VI) with the old *Arthaśāstra* branch of policy called Extirpation of Thorns (*kaṇṭakaśodhana*). As all the other limbs of the State, says the author in introducing this topic, are derived from the State territory (*rāshṭra*), the king should direct all his efforts to improving the same. The king, we are further told, should protect his person with a view to benefiting the people, for while protection is the duty of the king, that in its turn depends upon (the security of) his person: the king slaying the wicked for the sake of *dharma* ('law' or 'righteousness') is not tainted with sin, since sage-like kings performed acts of violence in accordance with *dharma*: the king should punish all those who oppress the subjects. In the following lines the author, after declaring (as noted above) enlightened approval to be the criterion of *dharma*, asks the king, with due deference to the directions of good men, to protect his subjects well and slay

their oppressors. Enemies of the State (*dushyas*, defined as 'those wicked favourites of the king who oppress the kingdom singly or in groups'), we read, should be put to death either secretly or else publicly after making them incur the people's hatred. The author justifies this line of policy by comparing the people to the sprouts of seeds which when carefully nursed and protected produce fruits in the proper time, and he concludes with the admonition that one using severe punishment afflicts the people and one using mild punishment is overpowered by them.

In the following Canto (VII) the author, after pointing to the great danger to the king and the kingdom caused by greedy and haughty princes, mentions the security measures to be adopted by the king accordingly. The king should for the sake of his own welfare cause his son to be instructed in discipline, for the royal family with undisciplined princes soon perishes. He should consecrate his self-begotten and disciplined son as Crown Prince. On the other hand the undisciplined son should be tamed like a rogue elephant, and though very wicked he should not be abandoned, for in the event of his being afflicted he would take refuge with the enemy and kill his father. Should he be inclined towards vice, he should be so afflicted with the help of others pretending to participate in the same that he would come under his father's control.

In the above extracts Kāmandaka reproduces in general outline Kauṭilya's policy relating to the security measures in the public interest as well as in the interest of the king. This is justified not only (as in Kauṭilya) on grounds of policy but also at the bar of morality. In the first place the king's security is held to be the means of ensuring public security. In the second place punishment of the wicked, and in particular suppression of public enemies by force and guile, are held to be sound policy and morally right. In the next place the best insurance against the danger to the king's security arising from the ambition of princes as well as the strongest guarantee of the stability of the ruling dynasty is considered to consist in their training and discipline. In the interest of the king's security it is necessary that even the recalcitrant princes are to be tamed and not abandoned by him.

2. POLICY OF INTER-STATE RELATIONS. Kāmandaka's chapters on inter-State relations (Cantos VIII-XI) contain numerous definitions of the constituents of the State-system after different authorities, as well as elaborate lists of the sub-types of peace, war, attack and neutrality, along with a large body of the relevant rules and principles. We can deal here with his ideas only in general outline. In the context of the State-system (Canto VIII) the author discusses the lines of policy which the aggressive king should adopt towards his allied as well as his enemy groups. The king, in the first place, should set in motion the whole body of his allies against the enemy and his partisans: when the ally belongs to both, he should seek by every means to win him over to his side: as friends and foes are made by some cause alone, he should avoid acts leading to enmity.

Enemies, apart from those due to contiguity of territory, are of two kinds, namely, 'the natural' (comprising those born in the same family) and 'the artificial' (consisting of those due to some cause) : the king should apply a fourfold policy of complete destruction, depletion, affliction, and fleecing towards his enemy, adopting the one set or the other according as the enemy is with or without a protector : when the enemy after being brought under control turns hostile, someone of his family should be set up for his suppression, for poison is counteracted by poison, thunder is rent asunder by thunder, a huge elephant is slain by another such, fishes as well as relations devour one another, and Rāma courted Vibhīshaṇa for the purpose of destroying Rāvaṇa. Referring to the State-constituents belonging to his own and his enemy's allies in the context of the State-system, the author says that while the former should be gratified by means of conciliation, bribery and the bestowal of honours, the latter should be broken up by the application of dissension and force : for, the whole State-system is filled with friends and foes, and there is no room for a neutral, since all men are selfish. Even the ally waxing great but behaving inimically, the author continues, should be afflicted, and he who being a friend of both the king and his enemy betrays partiality towards the latter should be quickly slain : even the enemy who confers benefit should be befriended, while even the friend doing harm should be abandoned : when the task is very onerous, the king should conceal the known faults and praise the non-existent merits even of the lowly, for he who has many friends is capable of bringing his enemies under control.

The policies of peace and war are treated by the author in two separate Cantos (IX-X), while he deals with the remaining types of foreign policy in a single chapter (Canto XI). When the king, says the author in introducing his chapter on the types of the policy of peace (Canto IX), is attacked by a powerful enemy and being defenceless finds himself in distress, he should bide his time and meanwhile strive for peace. The author next enumerates twenty classes of persons with whom one should not make peace, but on the contrary wage war as being the surest method of bringing them under control : the list includes not only the infant and the aged, one afflicted with long-standing disease, one who is a coward or full of greed, one whose subjects are disaffected, one who trusts too much to fate, one fighting at the wrong time and place, and one with many enemies, but also one who is a contemner of gods and Brāhmaṇas and one who disregards his word. This is followed by a parallel list of seven classes of persons with whom peace should be made : the list comprises one who is true to his word, or is noble (*ārya*) or is virtuous, one who is ignoble (*anārya*), one who is united with his brothers or is strong or is a great conqueror. An intelligent king, the author continues, should never repose confidence in the enemy even after making peace, for did not God Indra destroy the demon Vṛitra in the midst of a truce ? The son as well as his father on the throne, it is argued, undergoes change (in their normal attitude towards each other),

and therefore the behaviour of kings is held to be different from that of ordinary men. The author next distinguishes between the policy of a king according as he is attacked by a stronger or an equal or a weaker enemy: in the first case he is to throw himself for protection into a fort and invoke the intervention of a still more powerful king: or else, as Bhāradvāja says, he should fling himself upon his aggressor like a lion attacking an elephant: in the second case he should seek peace, for, as Bṛihaspati observes, victory in battle is uncertain and one should not undertake what is doubtful: the king should make a pretence of peace with an equal enemy till he has gathered strength, this being justified by the simile of a clash between two unbaked vessels involving their mutual destruction as well as the Purāṇic story of two brothers of equal strength being killed by their mutual fight: even in the third case the king should make peace, for like a drop of ice-cold water entering a sore an aggressive enemy causes pain: should, however, the weak enemy not accept peace, the king should unhesitatingly strike him down when he is reposing in confidence. The author next deals with the policy of a king towards his powerful aggressor in the event of the latter's accepting the overtures of peace as well as in the contrary event of his showing fight: in the former case the king should constantly seek to create confidence by concealing his designs and by speaking sweet words, the usefulness of this policy being shown by the example of God Indra who thus destroyed his would-be enemy lying in the mother's womb: in the latter case the king should by making lavish gifts of money and by writing incriminating letters corrupt the enemy's chief officers, for in such an event the strong enemy is filled with distrust towards his own party and is forced to inaction: he should bring the enemy's undertakings to nought by winning over the latter's ministers, or else he should seduce the enemy's physician and get rid of the enemy by poison: he should by strenuous effort create disaffection in the enemy's rear, and he should direct his spies in the guise of interpreters of omens and (pretended) sages to forebode evil to the enemy and produce inauspicious signs: on the other hand the king should rather suffer slight injury than resort to war with its attendant expenditure in men and money and its calamities: by the application of the threefold expedient of conciliation, bribery and dissension he should force the advancing enemy to make peace: he should with his well directed troops inflict sufficient injury upon the enemy to make him sue for peace, for it is only a thing which is heated that is united with such another.

The author's Canto (x) on the types of war, like his Canto on the types of peace analysed above, opens with a general rule. When the king is desirous of his own advantage or when he is being afflicted by the enemy, he should wage war provided he has the factors of time, place and strength on his side. Enumerating in the next place a list of twenty kinds of wars arising from as many different causes, the author mentions the expedients (ranging from conciliation, forbearance and bribery to the application of force) for ending them severally. The author gives a parallel list of sixteen kinds

of wars which should be avoided: the list includes wars productive of slight or doubtful or no gain, one causing present harm and bringing no gain in the future, one causing harm at present and in the future, one bringing gain in future but no gain at present, and one which is the reverse of the last. The wise man, the author sums up, should undertake the work that is attended with advantage both at present and in the future: war, we are further told, should be waged when a king has all the advantages of contented and well equipped troops, prosperous and loyal subjects, a propitious fate, firm allies and a certain prospect of gaining the threefold objective of war (namely, land, ally and money), and when the enemy has by contrast all the disadvantages in these respects. Land, says the author in this connexion, is better than the ally and the ally is better than money, for the groups of allies and friends are but expressions of the greatness of the land and arise out of the same. When the enemy has equal advantage in all respects, the wise king should apply towards him all the expedients: when the war is at hand, he should ward off the same by means of expedients, and he must not have recourse to force because of the uncertainties of victory. The author further illustrates a king's attitude towards his powerful aggressor by a series of similes drawn from plant, mineral and animal behaviour: he should adopt the behaviour of the reed, but never that of the serpent, for the former brings in great fortune, while the latter leads only to his destruction: pretending to be demented, he should in due course spring upon the enemy like a lion and devour him: contracting his limbs like a tortoise, he should suffer even the enemy's blows, but when the opportune time comes, he should flare up like a venomous serpent: he should be patient like a rock and impatient like fire according to the occasion: he should at a certain time bear the enemy on his shoulders and do good to him but at the right time he should dash the enemy to pieces like an earthen jar on a piece of stone: as mankind is constantly selfish, so runs the characteristic argument, he should so act as to gain his end and counteract its obstacles in the ways mentioned above.

The author deals more summarily with the remaining types of foreign policy in the following Canto (XI). When a king with superior strength and forces and with subjects attached to him by his good deeds, we are first told, undertakes an expedition with the aim of victory, it is called attack (*yāna*): women, drinking, hunting and gambling as well as providential visitations of various kinds are called calamities (*vyasanas*), and he who is afflicted with these is fit for being attacked. In the second place, we read that when both the king and his enemy are capable of resisting each other's might, it is called neutrality. Thirdly, we read that when a king is placed between two powerful enemies, he should adopt the dual policy which involves verbal surrender to both accompanied with aloofness, resembling 'the single eye of a crow (moving in two eyeballs)': he should place himself at the disposal of the nearer enemy, and when they are making a joint attack upon him, at the disposal of the stronger one: when they

have made an agreement not to come to terms with him, he should take refuge with their common enemy or with one who is stronger than both. Finally, we are told that when the king finds himself completely defenceless in the face of an attack by a powerful enemy, he should seek the protection of a potentate of high family, character and conduct : he should offer complete submission, and after modestly behaving for some time as towards a preceptor, attain completeness and gradually acquire independence ; when he can find no protector, he should surrender his forces or revenue or territory to the assailant, and seek the latter's protection for his own safety, for if he lives he can like Yudhishṭhira win back his whole dominion.

The policy of marching against the enemy is dealt with more fully by the author in a later Canto (XVI) bearing the title of the proper time for an expedition and the nature of the assailant. Laying down after his wont the general rule on this point, the author first asks the king to march for victory when he is himself free from calamities of different kinds, and equipped with the incomparable threefold power, while his enemy by contrast is plunged in grave calamity : while the Teacher generally advises attack in the event of the enemy's calamities, another view based upon the occasional occurrence of calamities asks the king to do the same when he is strong and well-equipped. Referring to the methods of implementation of this policy, the author shows in detail how the king should select the suitable route and time for march, and should provide against attack in his rear as well as disaffection inside his kingdom and even the danger of a unified military command, while as a general rule he should avoid an expedition costing much expenditure in men and transport animals as well as in money : he may undertake an expedition involving much expenditure of the former kind, but not one of the latter kind when there is prospect of certain, rich and quick gain. The author, after further mentioning the familiar category of the three powers as well as those of exertion and luck, observes that the king who is equipped with these five groups should march against an enemy wanting in the same. Concluding this chapter with an appeal to the king to exercise sound judgement from the very first, the author observes that the strength of counsel is greater than physical strength, for did not Indra conquer the demons by the strength of counsel ?

We may conclude our survey of Kāmandaka's policy of inter-State relations with some reference to the concluding portion of his Canto (XIX) relating to treacherous warfare and its alternative. Introducing his discussion (ibid. 54-71) as usual with a general rule, the author says that when the king has the advantage of superiority in point of place and time of attack, when he has sown dissensions among the enemy's subjects and when he is strong, he should wage honourable (literally, 'open') warfare, but otherwise he should have recourse to treacherous fighting. Describing in detail the methods of implementation of the first type of policy, the author shows how the king should strike down the enemy by out-manoeuvering him, by throwing him off his guard, by attacking his tired or sleeping troops, and so

forth. The author concludes this with a direction to the king constantly to slay his enemies by the method of treacherous warfare, characteristically observing that killing the enemy by trickery does not involve the violation of righteousness, for did not Aśvatthāman armed with sharp weapons massacre the Pāṇḍava troops when they lay unsuspectingly absorbed in slumber ?

The above list of extracts involves a number of principles conforming more or less to the *Arthaśāstra* pattern. In the first group of extracts (Canto VIII) the author urges the king, in the context of his complex State-system, to adopt a deliberate policy of courting allies on the principle that the friendly or hostile relations of States are purely artificial. Against an obstinate enemy the king is urged to set up a rival of the same family in accordance with nature's principle that like counteracts like. The king, the author repeats, is to make an all-out effort for winning allies and breaking up enemies in accordance with the principle that inter-State relations are purely founded on selfishness.

In the second group of extracts (Canto IX) the author mentions the conditions favouring a policy of peace as well as those limiting its application. While war is justified against one who is incapable of resistance or is a sinner, peace is advocated with one who is noble or is virtuous as well as with one who is ignoble or is strong. A fundamental principle of the author's policy towards the king's enemies is constant vigilance even after peace, a principle which is justified by the intense selfishness characteristic of state-craft. With this may be mentioned another principle, namely the avoidance of war because of its inherent dangers and risks, in contrast with the advantage of intrigue and treachery. Violence is advocated only to the degree of its inclining the enemy towards peace on the ground that mutual pressure begets peace.

In the third group of extracts (Canto X) we are first told that the two grand occasions justifying war are prospect of gain and self-defence. The conditions for waging war, the author says with reference to the first of these occasions, are that the king should have all the advantages, political and military, over his enemy, as well as the certainty of gain: where the enemy has equal advantage, the king should adopt the weapons of diplomacy and should avoid war because of the uncertainties of victory. Agreeing partly with his master Kauṭilya about the objectives of war, the author in this connexion assigns the first place to land and the last to money, with the ally holding an intermediate position between both. As regards the second occasion for war, the author advocates the king's adoption of a policy of opportunism involving submission to his assailant with deliberate dissimulation followed by a sudden and a destructive attack : this is justified, as before, by the principle of the universal selfishness of man.

In the fourth group of extracts (Canto XI) we read that attack is recommended in the event of a king's possessing strength in contrast with the weakness of the enemy arising from his calamities, neutrality is justified by

an equal capacity for resistance on both sides, dual policy involving in the first instance verbal submission to two kings and in the last resort complete surrender to one of them or to an outsider is recommended in the event of a king's situation between two enemies, and lastly, taking refuge is justified in the face of certain destruction by a powerful enemy.

In the fifth extract (Canto XVI) the author deals after the old *Arthaśāstra* masters with the policy of attack so as to make its selection both a military and a political problem. The factors shaping this policy, we are told, relate to questions of military strategy as well as those of the invader's political security and economic advantage. In so far as the last factor is concerned, the author agreeing with Kauṭilya adjudges the expenditure of money to be less important than that of men and transport animals and physical might to be inferior to the strength of counsel.

In the sixth extract (Canto XIX) the author declares after Kauṭilya that the political and military situation of a king in relation to his enemy is the sole criterion of his selection of the vital policies of honourable and treacherous fighting. The distinctive characteristic of Kāmandaka's thought is his deliberate defence of the latter type of warfare at the bar of morality in contrast with his master's condemnation of the same.

ATTITUDE TOWARDS MORALITY

Let us now consider in the light of the above survey of the leading tendencies and characteristics of Kāmandaka's thought one of its most important aspects, namely, the author's attitude towards morality in relation to statecraft. In the branch of internal administration, we have seen how the author (Canto VI) absolves the king from all blame for slaying the people's oppressors, while he pleads for the public execution or secret assassination (as the case might be) of the enemies of the State. Illustrating the last-named line of policy by a concrete example, the author tells us how the victim is to be invited by the king to a secret interview, and while in the act of nearing the king's presence, he should be charged with conspiracy to murder the king on the confession of persons with concealed weapons escorting him to the presence. The king, naively concludes the author, should in such ways cast the guilt upon enemies of the State for the purpose of promoting the subjects' welfare, and he should thus raise his own fortune and extract the thorn from his side. These directions evidently permit political murder of public enemies as well as enemies of the State in the interest of the king and the community. In the sphere of inter-State relations we have seen how distrust and treachery accompanied with violence short of war are writ large on the author's statements of policy towards the foreign enemy. Thus while dealing with the policy of peace, the author (Canto IX) warns the king against trusting the enemy even after making peace, and he justifies this on the ground of the characteristic selfishness of statecraft turning the son against the father and vice versa. The author, again, asks the king to take advantage of the enemy's peace overtures to win his

confidence for his ultimate destruction, and to weaken the obstinate enemy with intrigue and treacherous attack. Dealing with the policy of war, the author (Canto x) asks the king in the face of attack by a powerful aggressor to practise submission in the first instance by studied dissimulation, and afterwards destroy him ruthlessly at the opportune moment. This is based upon the author's characteristic principle of the universal selfishness of mankind. Again, the question of selection of the policies of honourable and treacherous fighting is treated by the author (Canto xix) purely as a matter of expediency. How this policy as well as that of suppression of public enemies and enemies of the State is sought to be supported by the author on moral grounds has been shown in another place. It remains to mention that the author (Canto xviii) includes deceit (*māyā*) among the recognised types of political expedients, and furthermore advocates the use of poison and the dagger as well as similar underhand means for getting rid of the king's particularly obnoxious or dangerous subjects.

Summing up the above, we may state that Kāmandaka repeats and develops an aspect of Kauṭilya's thought to which we have referred in a previous chapter, namely, that which involves the sacrifice of morality for political ends, in dealing with particularly disaffected and dangerous subjects as well as the enemy outside. This is justified not only, after Kauṭilya, by the interests of the king and the community, but also by the broader principle of the characteristic selfishness of human nature and of statecraft. What is more, it is justified at the bar of morality by pious examples as well as application of the *Smṛiti* standard of approval of the enlightened as the sole criterion of *dharma* ('law' or 'righteousness'). Well may we claim for Kāmandaka that he contributed vigorously along with his master to that principle of separation of Politics from Ethics which goes back to the early *Arthaśāstra* times.

(B) THE *BĀRHASPATYA-SŪTRAS*

The *Bārhaspatya-Sūtras* ('The Aphorisms of Bṛihaspati') is a short work said to have been addressed on the subject of the sum total of general morals (*nīti*) by Bṛihaspati, the preceptor of the gods, to Indra, king of Heaven. Although it bears the name of the celebrated *Arthaśāstra* authority quoted by Manu and by Bhīshma in the *Mahābhārata*, the political ideas and notions of its author are sufficiently distinctive to deserve independent treatment.

THE SIGNIFICANCE OF THE SCIENCE OF POLITICS

Let us begin with the author's conception of the significance of the science of politics or, to give it its technical title, *daṇḍanīti*. Referring to the old *Arthaśāstra* problem of the categories of sciences he says (i 3) that *daṇḍanīti* is the only science (*vidyā*). In the land called Bhārata where the fruits of virtue and sin visibly take effect, the author observes elsewhere (iii 74-5), *daṇḍanīti* exists, and it was (or should be) studied by the people of that land,

past, present and future as well as the four castes. Referring in a later passage to the four time-cycles, the author further says (III 141-8) that men in the *Kṛita* Age are learned and versed in *daṇḍanīti*, that those in the *Tretā* Age are active and skilled in policy, that those in the *Dvāpara* Age follow the teachers of the *tantras* and are versed in policy, that those in the *Tishya* (*Kali*) Age are strong in knowledge and action by one quarter and are versed in *daṇḍanīti*, and that thereafter the men are of contrary rules of life, colour and dress and are devoid of *daṇḍanīti*. He who needlessly gives up the science of *daṇḍanīti*, we are told in another place (I 112), verily enters the flame like moths through folly. By virtue of *daṇḍanīti*, we read elsewhere (III 76-8), there exist the holy Sun, the king as well as the Wind-god, and other gods and the creatures. With the above estimate of *daṇḍanīti* agrees the author's view of the high authority of policy (*nīti*). Declaring (II 43) that the fruits of policy are the attainment of Virtue (*dharma*), Wealth (*artha*), and Pleasure (*kāma*), the author (ibid. 50) says that even a son who is devoid of policy is an enemy. Even the preceptor who is devoid of policy, we are similarly told (ibid. 74), should be disregarded.

In the above extracts the author, in the first place, repeats a view of the position of Politics in the traditional list of sciences, which agrees curiously enough not with the old *Arthaśāstra* school of that name known to Kauṭilya, but with that of Uśanas (Śukra). According to this view Politics alone has the claim to rank as science. Secondly, the author emphasizes not only the universal sway of Politics in space and time and its supreme (almost elemental) force, but also claims for policy (*nīti*) the merit of fostering the complete life of individuals as well as of constituting the only title to one's affection and respect.

The author's ideas of the authority of law (*dharma*), though short, are not wanting in interest. The king, he says (I 4-5), should not follow even the *dharma* when it is condemned by the people and in case he does so, it should be after getting it recommended by intelligent persons. The above extract involves an application of the twofold *Smṛiti* principle quoted elsewhere (Chapter III) that law is invalidated by conflict with public opinion, and that its ultimate criterion is the approval of the learned. The author's further statement (II 73) enjoining the observance of the command of the preceptor even if this conflicts with *dharma*, carries the latter principle to a point unwarranted by the *Smṛitis*.

On the subject of authority and obligation of the temporal ruler the author is almost completely silent. In one place (I 28), he defines anger as consisting in the thought of injury to kings and others. This suggests the old *Smṛiti* doctrine of obedience of the subjects to their temporal ruler. In other passages (I 14 ; 55) however, the author betrays the old *Smṛiti* contempt for the king's office, for he not only condemns royal service but forbids connexion for long with kings as with harlots and soothsayers.

We may conveniently approach the author's view of the theories as well as principles and policies of government by considering his fundamental

attitude towards the objectives of human existence. The author in a lengthy extract (II 4-35) contemplates the pursuit of the three ends of life (namely, Wealth, Desire and Virtue) according to the standards of the Materialists, the *Kāpālika* sect of Śaivas and the Jainas respectively, but he immediately proceeds to condemn all three sects in strong terms. In a second extract (II 44-8) the author states that Desire and Wealth should be tested by Virtue, although somewhat inconsistently he requires these to be tested by their own standards : this is followed by a later passage (II 55-6) declaring Virtue, and not the ends of wordly existence, to be the chief, and deprecating happiness enjoyed in violation of Virtue. In a third extract (VI 7-15) the author enjoins the acquisition of Wealth in the highest terms, declaring that the world is rooted in Wealth, and that the poor man is, as it were, dead and a Chaṇḍāla : with the above the author joins a strong plea for the acquisition of learning rooted in Virtue, declaring learning to be the root of the world as well as of everything. Though the ideas of the author in the above extracts are difficult to reconcile with one another, it would seem that he stood for fulfilment of the complete life of the individual based on the threefold end of existence, with the spiritual element dominating the temporal, and in the alternative, with the two elements operating independently. According to a less complete enumeration the author stands for the fulfilment of the material as well as intellectual interests of man, the last one being held to be based upon Virtue. To add to the complexity of his ideas, the author, while declaring three well-known non-Vedic systems to be the standards of the threefold end of man's existence, joins them in the same context in a common condemnation.

The author's theories as well as principles and policies of government, while agreeing somewhat with his general outlook on life, repeats the familiar *Arthaśāstra-Smṛiti* conceptions. Thus, in the first place, he requires the king to be equipped with self-mastery and warns him against over-indulgence in hunting and in women (I 1 ; ibid. 33-5). Rulership, he says (II 1-2), belongs to one who possesses good qualities comprising those of learning and wealth as well as the advantage of assistants. One whose counsels are well ordered and who knows his enemy's weak points but is not virtuous, we read in a later passage (II 37-8), is incapable of ruling a kingdom : he who is intoxicated with the pride of power and is filled with greed and haughtiness, loses what has been acquired, but he who enjoys material comforts after reflecting upon his measures, achieves the highest success. In the above the author, repeating a familiar principle, declares the king's qualifications to comprise self-restraint, learning and deliberation.

In the second place the author (II 41-2) defines counsel (*mantra*) as the act of effecting unity of purpose among the king's assistants (lit. those who follow their master's mind), while he enjoins the ministers to speak of projects without regard for the master's preference. Elsewhere (IV 27-36) the author, after declaring counsel to be the root of victory, arranges the same in three grades, namely, good, intermediate and bad. The work which is undertaken,

it is explained, in the company of friends and kinsmen as well as of learned and steady persons, is the best. He who undertakes a work after consultation with those devoted to the acquisition of wealth is the best, while he who does so after ascertaining the good and the bad results but under the impulse of excessive folly is the worst. That counsel is the best which is taken unanimously in accordance with the science of polity by steady ministers. The counsel is middling when there are at first differences of opinion but afterwards unanimity. The counsel is the worst when there arise quarrel and reproach (one being for Virtue and another for Wealth), and in the company of women, children and old men (one indulging in tears and another in anger). In yet another passage (VI 1-6) the author, after asking the king to get to know acts suited to time and place as well as lessons of policy and impolicy and to ascertain what is good for himself, deals afresh with the topic of counsel. He should, we are told, carry his policy into effect after consultation with his ministers, and he should ascertain what should and what should not be done, in the company of officials living by their wits. He who can design even an unwelcome measure is fit for consultation. In the above extracts the author's ideas are not expressed in very clear language. It would, however, appear that following the *Arthaśāstra* precedent he not only stresses the supreme importance of counsel as the road to political success, but also lays down its essential requisites. These last comprise, firstly, the king's selection of qualified ministers with courage enough to disregard his own wishes, and secondly, unanimity of decision.

In the third place the author lays down the lines of internal and foreign policy after the well-known *Arthaśāstra* category of political expedients. When the enemy is equal in strength and so forth, we read (I 30-31 ; 46-8), he should be slain in war : other adversaries should be met by the expedients of conciliation, bribery, creating dissension, producing illusion, (pretended) indifference and so forth : towards dependants, he should apply force and bribery within and without : towards ministers he should apply conciliation, dissension and bribery : to his kinsmen he should make allotment of his income for the sake of conciliation, dissension and bribery. In yet another extract (V 1-8) the author, after referring to the four primary expedients and the three supplementaries and in addition (strangely enough) the three expedients of creating illusion, (pretended) indifference as well as slaying, advises their application severally as well as collectively towards various classes of the king's subjects. Towards the bold he should apply the single expedient of conciliation, towards the timid the double expedient of conciliation and dissension, towards the greedy he should direct the triple expedient of conciliation, bribery and dissension, towards the difficult ones he should apply all the six expedients of conciliation, dissension, bribery, creating illusion, pretended indifference and slaying. Conciliation, the author concludes, should be applied in the first instance. In the above extracts, it will be seen, the author repeats the complete *Arthaśāstra* list of political

expedients with one significant omission, namely, that of magic (*indrajāla*). As regards the application of the expedients, the author, agreeing with the *Arthaśāstra* tradition, recommends conciliation in the first instance, but disagreeing with the same he advocates war with an enemy of equal strength. The author's plea for the conjoint application of the expedients towards the king's enemies as well as subjects is in general agreement with the above tradition, although its detailed exposition seems to be peculiar to himself.

(C) MISCELLANEOUS WORKS ON POLITY

INTRODUCTORY

We may consider at the conclusion of this chapter a number of works mostly belonging to a lost literature on polity and preserved only in the form of quotations by later writers, which may tentatively be assigned to the present period. Among the authorities quoted by the fourteenth century *Smṛiti* writer Chaṇḍeśvara in his *Rājanītiratnākara* are included the prose fragments of Vyāsa (author of the *Arthapradīpa*), Nārada (author of a *nīti* or *rājanīti* work), Hārīta, Bṛihaspati and Padma (probably the authors of lost *nīti* works), Śukra (author of a *rājanīti* work other than the extant *Śukranītisāra*), Śrīkara and Gopāla (whose *Smṛiti* works are quoted by other writers), the fragments of two otherwise unknown works called *Pallava* and *Nītikalpataru*, as well as the schools of the ancients and the moderns. Similarly, the author of an anonymous commentary on the *Nītivākyāmṛitam* of the tenth century Jaina writer Somadeva quotes fragments of the metrical works on polity attributed to Atri, Aṅgiras, Kauśika, Garga, Devala, Nārada, Parāśara, Bhāguri, Bhāradvāja, Bhṛigu, Raibhya, Varga, Vallabhadeva, Bṛihaspati, Vyāsa, Śukra (other than the author of the extant *Śukranītisāra*), Śaunaka, Hārīta and others as well as those of the indefinite Ṛishiputra and Rājaputra.[3]

THEORIES OF SIGNIFICANCE AND SUCCESSION OF KINGSHIP

We may begin by noticing an interesting discussion of the theories relating to the title to kingship by a few authorities quoted in the *Rājanītiratnākara*. The author of the *Rājanītikāmadhenu* (ibid. p. 2) defines the king as one who is celebrated for rulership, and he justifies this on the ground that protection of the people depends upon consecration, and that knowledge (of kingly duties) is not possible before this is done. Going further than this, Chaṇḍeśvara's unnamed teacher (ibid. p. 3) points to the application of rulership to one who has acquired it by his valour alone. With this last view we may compare that of the unnamed author of a lexicon (ibid. pp. 84-5) according to whom the conferment of rulership (by a king upon his heir) is merely illustrative, because fixing the (royal) mark (on the forehead) and so forth can certainly be done even without this ceremony, in accordance with the popular maxim of 'the dog's tail'. Again according to Gopāla (loc. cit.) the rites ending with the ceremony of consecration are merely illustrative, and

a king may seat his heir on the throne and so forth, in accordance with the prevailing regional and family customs. The above extracts indicate a tendency towards progressive simplification of the qualification for kingship so as to make it pass from ceremonial consecration to a customary formula, and thence to sheer possession of the kingdom. This illustrates a characteristic feature of our authors' thought for which a parallel can be found in other periods, namely, that of progressive adaptation of the canonical rules to the changed environment.

The principle just mentioned, namely, that of adaptation to the existing environment is repeated in our authors' classification of kings. Nārada in his *nīti* work (ibid. p. 3) divides kings into three classes, namely, the Emperor (*samrāṭ*), the tributary king, and the non-tributary king, the first being one who constantly levies tribute from all kings, the second being one who pays tribute by the month and the year, and the third being one who pays tribute in the form of presents at his own will. The last two classes of rulers are further sub-divided into two classes each by the author of the *Rājanīti-kāmadhenu* (ibid. p. 5). The above passages recalling the popular view of kingship quoted by the Mīmāṁsā writers of the preceding period mean that the status of kingship belongs to all and sundry possessed of the ruling authority. It should, however, be noted that the author of the *Kāmadhenu* (ibid. p. 77), following the view of *Nārada-Smṛiti* quoted in a previous chapter (XVII), distinguishes independence in the sense of unlimited command as the mark of kingship.

Another interesting discussion of the authors cited by Chaṇḍeśvara (ibid. pp. 79-81) is concerned with the theory of royal succession. These authors, while agreeing on the point that succession to the royal throne devolves by primogeniture, justify this on different grounds. It is, says Lakshmīdhara, for the purpose of avoiding strife, while according to the author of the *Pallava* it is because of the danger of the break-up of the kingdom. More original is the argument of Gopāla, Lakshmīdhara, Śrīkara and others, namely, that all creatures including the poor, the friendless and so forth are sharers in the king's wealth, while a kingdom with many rulers suffers destruction. In the above the plea for an undivided succession is held in general to be the political danger of division. But as an exception the argument is based on an interesting development of the old *Smṛiti* rule relating to the indigent, the distressed and the diseased classes. The development consists in changing a recommendation for State-relief of these classes into a vague claim of the whole people for a share in the king's property.

We may pause here to discuss the significance of the reference in an anonymous metrical text (ibid. p. 83), which describes the ceremony of a king's consecration of his son to the throne. Here we are told how the king, or his domestic chaplain, should first worship the gods with appropriate ceremonies in the sacrificial hall, how the king should then in the midst of the assembled ministers and others sprinkle his heir with consecrated water, and how thereafter he should seat the heir on the throne and make over the

kingdom of six limbs [sc. without the king] to him. This should be followed by repeated announcement to the subjects of the end of his kingdom and the beginning of that of his successor. The phrase used in this context, it has been held,[4] shows that 'the subjects are described as Vishṇu', and this points to 'a theory of divine position of the subjects as against the king'. This interpretation is open to serious objections. On the other hand it is possible by a slight emendation of the palpably faulty text to make it refer to the king's announcement to his subjects with Vishṇu as his witness.[5] This, of course, would deprive the above passage of all constitutional significance.

AUTHORITY AND OBLIGATION OF THE TEMPORAL RULER

The ideas of the authors quoted in the anonymous commentary on the *Nītivākyāmṛitam* which bear on the above subject are derived wholly from the late *Smṛiti* tradition. The king, says Bhṛigu (ibid. v 67), is formed out of the lustre of Agni, Indra, Soma, Yama and Varuṇa, and therefore he bows to none. According to Vyāsa (ibid. xxix 18) there is no king who is not Vishṇu. The king, says Bhārgava (ibid. v 1), is like the gods Yama and Indra respectively in relation to his enemies and friends. Even the king who is devoid of revenue and is very weak, says Garga (xxxii 66), must not be despised, for the Kshatriya might of divine nature resides in his person. The whole world, says the author Chākshusha, rejoices when one man [namely, the king] is pleased, and it is agitated when he is perturbed : the person who has no king above him is verily blind, though possessing a pair of eyes : the earth without a king is like the forest without the king of beasts, like the sky without the moon, like the day without the sun. On the other hand Varga (comm. on *Nītivākyāmṛitam*, v 2-3) says that the king's duty consists in cherishing the good and punishing the wicked, while everything else is held to be his secondary duty. Similarly, according to Bhāguri (loc. cit.) the duties of kings consist not in practising vows and so forth, but in charity and in protection of the people. Relieving the friendless and honouring the good are reckoned by Parāśara (ibid. vii 8) among the duties of the Kshatriya, while the king who fails completely out of self-indulgence to protect his subjects is branded as a coward by Vyāsa (ibid. 21). In the above, it is evident that the authors repeat the *Smṛiti* principle of the king's authority based upon his origin, his office and his functions, while they equally stress the principle of the king's obligation in accordance with the law of his order. Repeating, further the old *Smṛiti* conception of spiritual sanction for the king's obligation, Parāśara awards the king who takes his one-sixth share from the cultivators and the ascetics but fails to protect them a share in their sins, while Hārīta gives the king who protects the ascetics living in the forest upon roots and fruits the sixth share of their austerities (ibid. 24-5).

As regards the theory of the coercive authority of the ruler (*daṇḍa*), Garga (ibid. ix 1) says that the punishment of criminals is the means of purification of the kingdom, and that without it there results the condition indicated by the maxim of the larger fish devouring the smaller. This view is

repeated by Bṛihaspati (ibid. 7). Even wicked men, says Śukra (XXVIII 24-5), become immediately straight through *daṇḍa* like a bent piece of wood through the application of fire, while Bṛihaspati observes that like a straight tree easily cut down by its hewer a straightforward man is overpowered by all. These extracts repeat a well-known *Arthaśāstra* principle, namely that the coercive authority of the ruler is a preventive against anarchy as well as the best means of ensuring respect for authority.

THEORIES OF GOVERNMENT

Referring to the old *Arthaśāstra* principle of the king's qualifications our authors, especially Śukra and Bṛihaspati (ibid. v 30-40), emphatically declare that the intelligent king, and more particularly the king whose intelligence is derived from the sciences (*śāstra* and *nītiśāstra*), wins success, while even the heroic king who is wanting in this quality goes to ruin. Bṛihaspati observes that dominions without kings may guard one another but those with foolish kings go to ruin, while Hārīta says that visitations like earthquakes may be quenched by propitiatory rites but a visitation in the form of a wicked king cannot be quenched. Like an elephant without the goad, says Ṛishiputra, a king who does not acquire learning and honour the elders, perishes swiftly, while Vallabhadeva observes that like a tree with water nearby even a stupid king acquires splendour through association with good men, and Hārīta promises bliss here and hereafter to the king who is intent upon honouring the good (ibid. v 62-5). In the above the authors insist along with the appropriate sanctions upon the ruler's qualifications of intelligence, learning and character.

The views of our authors regarding the office of ministers follow on the whole the Kauṭilyan pattern. Let us begin with the authorities cited in the commentary on the *Nītivākyāmṛitam*. According to Bṛihaspati (ibid. x 1) a king not accepting the good advice of his ministers and others swiftly perishes like King Duryodhana. A king selecting a high official without parallel, says Śukra (ibid. 4), could win the whole earth, although single-handed, like the low-born Śūdra (Chandragupta). On the other hand, says the same author (ibid. 22), an act done by a king without reference to his ministers is bound to be fruitless. These extracts point to the exceptional importance of the office of the minister in the king's own interest. Not without reason does Śukra (ibid. XI 2) declare the minister (*mantrī*) and the king's domestic chaplain (*purohita*) to be the mother and the father of the king. As regards the proper number of the king's ministers, the author of an anonymous work on policy (quoted in *Rājanītiratnākara*, p. 30) advises the king to consult only one minister, and he justifies this on the ground that counsel which reaches the ears of three men is divulged. This repeats the immature *Arthaśāstra* view quoted by us from Kauṭilya's *Arthaśāstra* in a previous chapter. The mature opinion of Kauṭilya condemning too few as well as too many ministers is repeated by the authorities cited in the *Nītivākyāmṛitam* commentary (x 66-74). Thus while Nārada, Jaimini and

Atri agree in condemning the selection of a single minister, Nārada argues that such a man behaves according to his will, and loses his wits in discharging his duties. When a king has two ministers, Nārada further observes, they destroy the king's subsistence by acting in concert. When the king selects many and mutually envious ministers, says Raibhya, they harm the king's interest. Similarly according to Rājaputra, ministers who are mutually envious can have no unanimity of opinion, and therefore those who are not envious should be appointed by the king. Turning to another point, we find that the qualifications of the officials (*amātyas*) are given by Vyāsa, Nārada and Hārīta (quoted in *Rājanītiratnākara*, pp. 12-13), those of the king's domestic chaplain by Vyāsa (ibid. p. 16), and those of the assessors by Hārīta and others (ibid. pp. 20-22). More important are the views of the minister's disqualifications set forth by the authorities cited in the *Nītivākyāmṛitam* commentary (x 90-106). Like a blind man not seeing anything, says Śaunaka, a foolish minister has no perception of counsel: a foolish king seeking counsel from a foolish minister, says Śukra, is like a blind man seeing his path under the guidance of another blind man: like the eyes without the light, says Garga, the mind of a man ignorant of the sciences understands nothing: Kshatriyas, says Jaimini, should not be appointed to the position of counsellors, as they have perception of counsel based on war alone: the same argument is repeated by Varga and Bhāguri: the king whose minister is afflicted with greed for money, says Bṛihaspati, wins neither success nor wealth. In other words ministers are disqualified by want of wisdom, patience and honesty.

PRINCIPLES AND POLICIES OF GOVERNMENT

The methods and principles of government laid down by the authors cited in the *Nītivākyāmṛitam* commentary follow as far as they go the late *Smṛiti* pattern as represented by Manu and more especially by Bhīshma in the *Mahābhārata*. These authors (ibid. IX 2-4) apply in the first place the principle of justice or righteousness after the *Smṛiti* standards to the branches of the king's judicial and financial administration. The king who inflicts greater or less punishment in accordance with the dictates of the *Smṛitis*, says Bṛihaspati, is not tainted with sin. On the other hand, the king punishing his subjects on the information of others says Śukra, suffers the loss of his kingdom. According to Bṛihaspati the king levying more or less taxes out of greed for money loses his kingdom, and does not attain prosperity. The king, we are further told by Śukra (ibid. XVIII 41), should punish the wicked in proportion to their offences even in the case of his own son, not to speak of others. On the other hand our authors (VI 33-42) condemn in the true *Smṛiti* spirit a king's absolute and unqualified application of mercy and forbearance to his subjects. The king who shows mercy towards those afflicting his kingdom, says Śukra, loses his throne. Again, while Bādarāyaṇa promises high spiritual merit to the king who punishes the wicked, Hārīta condemns the king whose subjects are oppressed by thieves and others

through his own laxness to residence in hell. These views are justified partly by the lesson of universal human experience, as when Varga observes that even the acts of ascetics are not entirely free from blame, and partly by the frustration attending a wholly good man, as when Bhṛigu shows how a wholly gentle-minded man is despised even by his own wife, or when Vyāsa states that a king whose favours and frowns are alike fruitless is disregarded by his own subjects, or when Śukra compares a king who does not exhibit his might against his enemy to a blacksmith's bellows, or when Śukra further says that like a heap of ashes touched fearlessly by others, a king without valour is overpowered by the lowly.

An important branch of our authors' thought deals in the old *Arthaśāstra* spirit with the policy of the king's security. Let us begin with the views of the authorities cited in *Rājanītiratnākara* (p. 63). The distinctive duty of kings according to 'the ancient school', we are told, consists in protecting the people, ensuring their security, not retreating from battle and honouring the Brāhmaṇas (the second item in this list being a new and characteristic addition to the enumeration of Manu VII 88), while according to 'the modern school' self-protection is the king's primary duty (this view being justified by reference to the manifestly great result following from the same). With this we may compare the view of Śukra (ibid. p. 81) who says with Kāmandaka that the king's behaviour is different from that of ordinary men, since the son and the father turn against each other out of greed for the kingdom. The authorities cited in the *Nītivākyāmṛitam* commentary deal with the problem in a more comprehensive fashion. The whole country, says Raibhya (ibid. XXIV 1), becomes secure when the king's safety is ensured against his own and his enemy's men : how the constituents of the State, being deprived of the ruler, fail to attain completeness like women bereft of their husbands is told by Vaśishṭha (ibid. 5). These passages repeat the old *Arthaśāstra* view of the king's security as being the key to the security of the kingdom and the community. The application of this policy by our authors in respect of the king's entourage consisting of his women, his kinsmen and his sons, follows Kauṭilya's lines with a distinct tendency towards toning down the harshness of the old *Arthaśāstra* master. Let us illustrate this with reference to the king's treatment of his kinsmen (ibid. 57-64). Śukra warns the king against the danger of aggrandising his kinsmen, and Bṛihaspati against that of entrusting them with positions favouring the increase of troops : according to Nārada, however, a kinsman or a son may be favoured if he is loyal to the king and has not changed his mind towards the latter : kinsmen with a strong following, says Śukra, are brought under control through trustworthy persons and are kept undefiled through the secret agents : a son or a kinsman who has become hostile, says Raibhya, should be made to feel contented. The king's treatment of his sons (ibid. 71-80) is to be of a still more benign character. How the training of princes by good men saves the kingdom as well as the king's family and fortune from danger is told by Bādarāyaṇa, while by contrast Bhāguri

refers to the danger of destruction of the kingdom, should the prince be wicked : again Gautama urges the king to guard and nourish the princes through trustworthy and learned persons, for they would thus never hate their father, while Bṛihaspati asks the king never to contemplate doing harm to his own sons : the prince on his side is urged by Garga, Raibhya, Bādarāyaṇa, Śukra and Bhṛigu to honour his parents and obey his father's command.

The policy of inter-State relations dealt with by our authors (ibid. 50-63) follows, on the whole, the Kauṭilyan precedent. The authors, in the first place, explain how the principle of expediency is to be applied severally for the selection of the six types of foreign policy. In this connexion the danger of taking refuge with a weak king is pointed out by Bhāguri and the disgrace of taking shelter with an enemy is indicated by Nārada. When there is the prospect of ultimate advantage, Hārīta favours taking refuge with an enemy on a particular occasion, though not as a general rule. The policy towards the enemy is differently laid down by the different authors (ibid. 30-32). According to Śukra it should be one of attack or extermination according as the enemy has discontented ministers and so forth, or as he is without refuge, or has a weak refuge. The enemy who has become a friend, says Bṛihaspati, should be deprived of his wealth or instigated to make war. Criticising the schematic grouping of friend and foe in the conventional *maṇḍala* concept, Śukra (ibid. 35) says that their roles are reversed according to the occasion, and therefore 'the aggressor' should select both according to their advantage for himself.

CHAPTER XXI

NOTES

[1] At least three commentaries of Kāmandaka are known, namely, the *Jayamaṅgalā* of Śaṅkarārya (ed. by T. Ganapati Sastri, Trivandrum Sanskrit Series), *Upādhyāya-nirapekshā* by an anonymous author (ed. by V. V. Deshpande, A.S.S. 1958), and the *Nayaprakāśa* of Varadarājabhaṭṭāraka (MS. no. 18728 in *Descriptive Catalogue of the Sanskrit Manuscripts in the Tanjore Maharaja Serfoji's Sarasvatīmahal Library*, Tanjore). Kāmandaka's verses are incorporated in later works like the *Agnipurāṇa* chapters 237-241, and the *Śukranītisārā* I 64-5, ibid. 97-104, while he is quoted as an authority by Chaṇḍeśvara in his *Rājanītiratnākara* and by Nīlakaṇṭha in his *Nītimayūkha*. A *Rājanīti* work called *Kāmandaka* belonging to the Old Javanese literature has now been made available to us in an excellent summary (in English) by Dr Hooykaas (*Journal of the Greater India Society*, vol. XV). Another work called *Kāmandaki* occurs in a list of 230 texts quoted in a Burmese inscription of 1442 A.D. (M. H. Bode, *Pali Literature of Burma*, p. 107).

[2] It is interesting to observe that a variant of the list of the seven political expedients substituting dice-play (*aksha*) for indifference is attributed to Uśanas in the *Smṛiti* Digest of Pratāparudra called the *Sarasvatīvilāsa*.

[3] For Śrīkara and Gopāla in the above list, *vide* P. V. Kane, *History of Dharmaśāstra*, vol. I, pp. 266-8, 294-5. The *Arthapradīpa* of Vyāsa, the *nīti* or the *rājanīti* work of Nārada, and the works of Bṛihaspati, Padma and Hārīta cited by Chaṇḍeśvara are quite different from the *Smṛiti* works attributed to these authors. The extracts from Chākshusha's work are quoted in this chapter from *J.B.O.R.S.*, March 1925.

[4] *Vide* K. P. Jayaswal (ed. *Rājanītiratnākara*, Introduction, p. s), K. V. Rangaswami Aiyangar (*Rājadharma*, Introduction, p. 37 and p. 61 with notes), P. V. Kane, *History of Dharmaśāstra* (vol. III, p. 35).

[5] The reading *iti sarvān prajāvishṇūm sākshiṇam* has been corrected (Jayaswal, op. cit., p. 83, followed by K. V. Rangaswami Aiyangar, loc. cit.) into *iti sarvām* etc., by reference to the terms of Pṛithu's coronation oath (*Mahābhārata* XII 59. 106). But this last-named passage, as we have shown above, simply means that the king undertook to protect the earth (and everything relating thereto) as if the same were *Brahman* or the *Vedas*. The alteration again does not suit the context which simply contemplates the king as making over his kingdom to his heir without the slightest reference to the people's consent. Further, the conception of the people as Vishṇu does not appear to be known to any Ancient Indian writer, although the king is conceived to be such (*Mahābhārata*, XII 59.134 and so forth). If we substitute *sarvāḥ* for *sarvān* as suggested above, the whole passage would mean 'He should repeatedly announce this [sc. his abdication] to all his subjects and to the god Vishṇu as witness.'

CHAPTER XXII

HISTORICAL REFERENCES—II PERIOD OF THE IMPERIAL GUPTAS AND THEIR SUCCESSORS

IDEAS OF KINGSHIP

In contrast with the preceding period (approximately covered by the rule of the Maurya Emperors and their successors and ranging from the fourth century B.C. to the third century A.D.), the present period (relating to the rule of the Imperial Guptas and the following dynasties, which extended from the fourth to the eighth centuries of the Christian era), is marked by an incomparable wealth of authentic historical material derived chiefly from the contemporary inscriptions. We propose to deal here with the ideas of kingship so far as they can be deduced from this material.

To judge from the evidence of their coins and inscriptions, the rulers of the line of the Imperial Guptas pushed further than their indigenous predecessors the idea of the king's divine nature. From the time of Chandragupta I onwards, the Gupta Emperors are usually figured with a nimbus around the head on their coins. Among individual rulers Samudragupta is described in the panegyrical account of his Allahabad pillar inscription and in the genealogical records of the inscriptions of his successors, as one who was equal to the gods Varuṇa, Indra and Antaka (Yama). In the former inscriptions he is further described as a mortal only in celebrating the observances of mankind, but otherwise a god dwelling on the earth. Of Chandragupta II we are told that he shone upon the earth like the Sun radiant with internal light and was wonderful. In a series of inscriptions from North Bengal ranging from the year 113 to the year 224 of the Gupta era, the Emperors are given a trilogy of epithets (*paramadaivata paramabhaṭṭāraka mahārājādhirāja*) as a token of their paramount power, the first of these epithets carrying with it the idea of superhuman excellence. Among the dynasties that entered the political stage after the downfall of the Imperial Guptas four generations of kings belonging to the dynasty of the Later Guptas of Magadha (namely, Ādityasena, Devagupta, Vishṇugupta and Jīvitagupta II) assumed with a slight but significant change the trilogy of titles of the Imperial Guptas in the North Bengal inscriptions above mentioned. The change consisted in the substitution of the more elusive term *parameśvara* in place of *paramadaivata* in the original. The last title (*parameśvara*) along with other titles indicative of paramount power was adopted by later kings of the dynasty of Western Chālukyas of Vātāpi in Western India. Again it is remarkable that neither the independent kings of East Bengal (Gopachandra, Dharmāditya and Samāchāradeva), nor the kings of Nepal from the fifth to the eighth century A.D., nor the Maitrakas

of Valabhi, nor the kings of the house of Thanesar, nor King Bhāskaravarman of Kāmarūpa, took the title of *paramadaivata* of the Imperial Guptas. Among individual rulers King Rājyavardhana of the House of Thanesar is described in the inscription of his younger brother and successor Harshavardhana as one who assumed the lustre of the Regents of the Quarters such as Kubera, Varuṇa and Indra.[1]

Later records of this period throw some further light upon the prevailing ideas relating to the historical kings and dynasties. Already in the *Rāmāyaṇa* (II 119 *G* = 123 *NW* = 110 *S*) we are told that the royal house of the Ikshvākus of Ayodhyā was derived from Brahmā through Aṅgiras, Prachetas and Manu, son of the last-named. The same claim is made for this dynasty in *Mahābhārata*. The most comprehensive claim to quasi-divine descent of the important ruling houses from prehistoric times is made in the genealogical chapters of the *Harivaṁśa* as well as the *Vāyu*, *Brahmāṇḍa*, *Matsya*, *Vishṇu* and *Padma Purāṇas*. Here the descent of the dynasties is traced back to Manu, 'the son of Vivasvān', through his sons and his daughter, the former being supposed to have given rise to 'the Solar race' and the latter to 'the Lunar race'. Another line of ideas relating to kingship is suggested by an inscription of King Bhavattavarman of the Nala dynasty of Mahākośala belonging to this period. Here we are told that he was inspired with the glory of royalty by the gods Maheśvara (Śiva) and Mahāsenāpati (Kārttikeya).[2]

The above references tend to establish in varying degrees the old principle of the king's high authority culminating in his divinity. Thus in the first place the effigies of the Imperial Guptas on their coins with their nimbated heads, which are evidently borrowed from the coin-types of their Kushan predecessors, bear witness to the influence exercised by the crude ideas of the king's divinity imported into the Indian soil for the first time by the Indo-Greek kings. In the second place, the epithets and titles of the Imperial Guptas and some of their successors apparently reflect the influence of the late *Smṛiti* ideas of the king's equivalence to the Regents of the Quarters (and the gods generally), by virtue of his Divine creation. Thirdly, the genealogical lists of the *Purāṇas*, tracing the origin of the royal dynasties to the oldest antiquity, may be compared with the similar lists of Vedic teachers in the Brāhmaṇas dating back to the gods. The Vedic lists, as we have suggested elsewhere,[2a] were prepared by the priestly authors to justify themselves, in the face of the growing scepticism against the Vedic sacrificial ritual, with the weight of formidable authority going back to the gods. We may similarly suggest that the genealogical lists of the *Purāṇas* were prepared by their authors to establish the high antiquity of the principal ruling dynasties by claiming for them an unbroken continuity dating back to the Patriarch renowned since Vedic times as the Father of the human race. Fourthly and lastly, the reference in the record of the Nala king above mentioned repeats a conception which we have traced back to a few historical records of the preceding period, but which does not appear to have been of much

importance in our ancient times. This is the conception of a theocracy ruled by a Deity with the human ruler functioning merely as his vicegerent. Of a cult of king-worship as such there is here, except in so far as it may be inferred remotely from the second line of evidence, not the slightest trace.

We may notice in the next place the significance of another royal title of this period as an illustration of some current ideas of the king's office. From a record[3] of King Pravarasena II of the Vatsagulma branch of the Vākāṭaka dynasty of Vidarbha we learn that that he assumed, no doubt because of his performance of a number of Vedic sacrifices, the title of *Dharmamahārāja* ('Great King of the Law'). This was evidently an imitation of the practice of some kings of Southern India belonging to the preceding period which have been dealt with by us in a previous chapter. As in the earlier instance the title seems to have involved the application of a conception of the king's office going back to Vedic times, namely, that of his guardianship of the Sacred Law. With this we may compare the titles assumed by the rulers of some European dynasties in medieval and modern times, such as those of 'Defender of the Faith' and 'His Most Christian Majesty'.

SUMMARY OF THE PERIOD

The first important political principle of the period ranging from the fourth to the eighth century of the Christian era is the theory of evolution of the social and the political order. The later *Smṛitis*, adopting some ideas implicit in the thought of Manu and of Bhīshma in the *Mahābhārata*, conceive a primitive State ruled by a Patriarch with perfectly virtuous subjects, and its subsequent transformation in consequence of man's sin into a law-State under a human ruler. On the other hand, the early *Purāṇas* fitting the Vedic dogma into their elaborate cosmological scheme conceive the creation of the social and the political order by divine or semi-divine beings in successive stages to keep pace with man's growing lapse into sin. The later Buddhist canonists, imperfectly reproducing the theory of their predecessors, start with the conception of an original State of Nature with god-like beings living in a condition of perfect innocence and happiness, and they proceed thereafter to describe the creation, because of man's growing downfall, of the institutions of property and the State by the respective processes of Social Contract and Governmental Pact.

The second important political principle of this period relates to the old *Smṛiti* conception of the law (*dharma*) of the social order as well as those of State law and justice. The late *Smṛitis*, while laying down the novel dogma of periodical proclamation of the Sacred Canon by gods and sages during successive cycles of Time, mention the doctrine of different authorities as well as standards of *dharma* and that of proportionate decline in the *quantum* of *dharma*, along with the equally proportionate increase in the facility of its acquisition for suiting man's diminishing capacity, during the successive Ages. Again, while repeating the old *Smṛiti* view of enlightened opinion as the determinant of *dharma* they formulate a new doctrine, namely, that of 'forbidden

practices of the Kali Age', and they justify this on the strength of an original principle, namely, that of the binding (almost canonical) authority of the conventions of good men abrogating ancient practices in the public interest. Reference is made to the above principle of enlightened opinion as the criterion of *dharma* in the two technical works on polity which we have assigned to this period, namely, 'the Essence of Polity' of Kāmandaka and 'the Aphorisms of Bṛihaspati'. In the branch of State law the late *Smṛitis*, while recognising with Manu the principles of the Sacred Canon and the regional usage as its twofold source, allow in Bṛihaspati the authority of law to the conventions of approved as well as disapproved social units along with complete immunity for the observance of heterodox regional usages, while they grant in Kātyāyana the fullest authority of law to the people's (and especially the merchants') conventions along with complementary as well as parallel jurisdiction to the two sources first mentioned. The late *Smṛitis*, again, bring into clear relief Yājñavalkya's view of the twofold source of State law (namely, the works on the Sacred Law and on the technical science of polity), as well as his rules of interpretation in the event of a conflict of laws.

The third important political principle of this period is connected with the old *Arthaśāstra-Smṛiti* concept of the relation of Politics to Ethics. The Buddhist poet Āryaśūra in his *Jātakamālā* repeats after the early Buddhist canonists the notions of antithesis and antagonism between Politics and Ethics. This is justified on the ground that Politics is dominated by the ends of Wealth and Pleasure in opposition to Virtue, and is in fact based upon the principle of shameless exploitation of subjects in the ruler's interest. The philosopher Āryadeva in his *Chatuḥśataka* declares, in opposition to the fundamental principles of the Brahmanical canonists on this point, the authority of the sages to depend upon their moral worth, and that of the canon to be subordinate to the inexorable moral law. Thence he deduces, in the place of the Brahmanical conception of the king's distinctive standard of duties, the principle of a unitary moral standard which is applicable as much to the king as to his subjects, and equally to his public and private acts. Among the masters of the classical Sanskrit literature, Bāṇa and Māgha express a strong moral reaction against the teachings of Politics, the former identifying it with a creed of gross materialism, heartless cruelty and base superstition, and the latter making it synonymous with the single pursuit of the king's self-interest. Lastly, it may be mentioned that Kāmandaka repeats Kauṭilya's plea for the sacrifice of morality for political ends in dealing with the king's internal and external enemies, and he justifies this not only on the ground of public interest, but also on that of the characteristic selfishness of statecraft, and still more significantly that of the flexibility of *dharma* after the canonical standards.

The fourth political principle of this period relates to the old *Smṛiti* principle of the king's relation to his subjects. The king's authority over his people with its corollary of the subjects' duty of obedience is derived in

the late *Smṛitis*, as by Manu and Bhīshma, from the triple conception of the king's origin, office and functions. This comprises the doctrine of the king's Divine creation and resulting divinity in varying degrees, that of the equivalence of the king's functions to those of multiple deities resulting in his identification with the latter, and the concept of his office as the safeguard of individual security and happiness as well as of the social order. The late *Smṛitis* simultaneously repeat the early *Smṛiti* principle of the king's obligation towards his subjects in its threefold aspect, the divine, the ethico-religious, and the quasi-contractual. The threefold basis of the king's authority and the triple aspect of the king's obligation are repeated by the early *Purānas* in their formal statements as well as their stories of individual kings. In their versions of the story of the tyrannical King Veṇa, the *Purāṇas* would appear further to repudiate the extreme principle of the king's authority involving his claim to divine honours and the unlimited obedience of his subjects. Representing the technical science of polity Kāmandaka bases the king's authority, as before, upon the high significance of the king's office to which he adds the important explanation, which is implicit in *Arthaśāstra-Smṛiti* thought, that the people's weal or woe depends entirely upon the king's qualifications. The miscellaneous group of authors known only from their surviving quotations repeats the old *Smṛiti* principle of the king's authority based upon his origin, his office and his functions, while they equally stress the parallel principle of the king's ethico-religious obligation of protection, which they support by reference to the old doctrine of transfer of the subjects' good and evil *karma* to the king according to his fulfilment or otherwise of this obligation. With more originality the Buddhist authors of this period develop the familiar principle of the king's obligation so as to indicate in Āryaśūra the king's moral duty of protection in return for the willing submission of his people, and in Āryadeva the doctrine of popular sovereignty based on the concept of the king's quasi-contractual relation with his subjects. Among the masters of the classical Sanskrit literature, while Viśākhadatta in his *Mudrārākshasa* play identifies the king (after Bhīshma in the *Mahābhārata*) with God Vishṇu, Bāṇa in his great prose-romance of the *Kādambarī* treats the doctrine of the king's divinity through the mouth of a very wise minister with ridicule and scorn. The parallel principle of the king's obligation of protection in return for taxation and so forth is repeated in the works of Kālidāsa, Viśākhadatta and others. Connected with the principle of the king's authority in the works of this period is that of the king's coercive authority (*daṇḍa*). Developing the older ideas on this point the *Purāṇas* hold that *daṇḍa* had its origin in man's sin, and is likewise the divine remedy for the same. Kāmandaka on his side declares with the older authors *daṇḍa* to be the only preventive against anarchy, and he justifies this by reference to the evil tendencies of human nature, while he conveys a warning against excess or impropriety in its application on the ground of public policy.

The fifth and the last group of political ideas of this period is concerned with the extensive topic of the theories as well as principles and policies of government, which is treated mostly on the old *Arthaśāstra-Smṛiti* lines. Thus in the first place, the authors repeat, and in the fuller examples justify, the principle of the king's qualifications, Kāmandaka in particular reproducing in general outline Kauṭilya's integrated scheme of education for the development of the prince's intellect and character. The qualifications of the king's officials are similarly repeated by the authors, the technique of the king's consultation with his ministers being reproduced in outline by Kāmandaka and the miscellaneous writers on polity. In the second place, the authors inculcate upon the king the lessons of benevolent rule over his subjects involving (in Āryaśūra and in Kālidāsa) the conception of the king's paternal relation with his subjects, and his complete identification with their interests. With this they combine lessons relating to a mixed policy of forbearance and force, and relating more fully in Kāmandaka to a complete list of political expedients variously applicable according to the exigencies of public policy. The blending of composite, and even contradictory, qualities in a king's governmental policies is pointedly indicated by the dramatist Viśākhadatta and the poet Bhartṛihari. To the above we may add that Āryaśūra repeats the old Buddhist canonical principle of political righteousness with its basis in sound policy, as well as its content (comprising on the king's part universal friendliness and compassion along with zeal for the promotion of universal happiness), and its far-reaching influence upon the community (exhibited in its profound repercussion not only upon the security and welfare of the subjects, but also upon the climatic and other conditions governing their physical existence). Thirdly, Kālidāsa among the masters of Sanskrit classical literature upholds after the Kauṭilyan standards the conception of the righteous conqueror, along with the principles of a mixture of severity and mildness towards the foreign enemy, of selection of the policy of war in view of the comparative strength of two contending States and so on. Viśākhadatta, similarly, refers to such points in the *Arthaśāstra* system as the policy of the king's security based upon application of the alternative expedients of conciliation and force towards the disaffected subjects, that of alignment of inter-State relations in the light of mutual self-interest, and that of superiority of the strength of intellect to that of material resources. Reference is made by Bhāravi to the Kauṭilyan policy of pacification of a newly acquired territory, that of treacherous fighting, that of selection of foreign policy after a careful estimate of the threefold condition of States and the three factors of their strength, as well as the causal relation between a king's character and the attitude of his subjects and eventually his own external security. Bhaṭṭi likewise refers to the same threefold condition of States as the criterion for the selection of foreign policy, and the methods of implementing the policies of neutrality and peace, as well as the relative advantages of the contradictory policies of peace and war. The poet

Kumāradāsa, while inculcating the policy of conquest on the strength of the Kshatriya code of honour, discusses the application of the four political expedients. The comparative merits of the scholastics and the practical politicians, the policy towards the foreign enemy, the comparative advantages of the king's three powers, the scope of the policy of force and so forth are discussed at great length by the poet Māgha. Among the writers on polity Kāmandaka deals with the policy of security of the king and the kingdom, and more fully with the policy of inter-State relations. This last involves the principle of courting allies and breaking up enemies in the context of a complex State-system and the discussion of the policies of peace, war, attack and so forth as well as those of honourable and treacherous fighting. The policy of the king's personal security as well as that of inter-State relations is also discussed by the miscellaneous writers on polity.

CHAPTER TWENTY-TWO

NOTES

[1] For references *vide* J. Allan, *Catalogue of the Coins of the Gupta Dynasties* . . . Introduction, p. LXIV (nimbus around head); Fleet *C.I.I.* vol. III, no. 1 (Allahabad Pillar Inscription of Samudragupta); ibid. no. 35 (inscription of Chandragupta II); *E.I.* XVI 135 f. (North-Bengal inscriptions); Fleet, op. cit. nos. 42, 46, etc. inscriptions of later Guptas of Magadha; *E.I.* V 157, VII 230, IX 102, etc. (inscriptions of Western Chālukyas of Vātāpi); *E. I.* I, p. 72 (inscription of Harshavardhana).

[2] References in *Rāmāyana* I 70.20f.; II 110. 6f. etc.; *Mahābhārata* III 201; ibid. 203. Also *vide* Pargiter, *The Purāṇa text of the dynasties of the Kali Age* (genealogy of the royal dynasties); *E.I.* vol. XIX, p. 100f. (inscription of King Bhavattavarman).

[2a] In the work, *Studies in Indian History and Culture*, p. 4.

[3] *E.I.* vol. XXVI, p. 145.

PART SIX

THE TRANSITION TO THE MIDDLE AGES

(*c.* A.D. 800—1200)

CHAPTER XXIII

(A) THE BRAHMANICAL WORKS ON SACRED LAW—IV THE GREAT *SMṚITI* COMMENTARIES AND THE EARLY *SMṚITI* DIGESTS

INTRODUCTORY

In the history of our Ancient Indian jurisprudence the period forming the subject-matter of the present chapter is one of immense significance. It is emphatically the age of the great *Smṛiti* commentators—of Medhātithi, the author of the fullest and the most learned commentary on the *Manu-Smṛiti* and of Viśvarūpa, Vijñāneśvara and Aparārka who successively wrote valuable commentaries on the *Yājñavalkya-Smṛiti*. To this age likewise belongs Lakshmīdhara, the author of the voluminous *Smṛiti* digest called the *Kṛityakalpataru*. The advent of the *Smṛiti* commentaries and digests marks the transition from what may be called the constructive to the critical stage in the development of our *Smṛiti* literature. In keeping with this description the great *Smṛiti* commentators of this period apply a whole apparatus of interpretation of the ancient texts, such as was familiar even to the authors of the early *Smṛitis* and was adopted on a large scale by the commentators on the *Mīmāṁsā-sūtras* in their explanations of the Vedic ritualistic texts. This consisted not only in the verbal interpretations of the crucial terms, but also in the application of a large number of principles like popular maxims (*nyāya*), extended application (*atideśa*) and explanatory remarks (*arthavāda*). In the result the *Smṛiti* commentators above mentioned contribute some of the most important chapters to the history of development of our laws of person and property. The contribution of these authors to the history of political ideas is by comparison of less significance, but still it is not without interest and originality. It is only in the *Smṛiti* digest of Lakshmīdhara above mentioned that we for the first time come across that scheme of mechanical repetition of strings of the ancient texts, which is the surest index of a hide-bound scholasticism.[1]

IDEAS OF LAW OF THE SOCIAL ORDER

We may consider Medhātithi's discussion of the theory of law of the social order under four heads, namely, authority of the *Veda* and the *Smṛitis*, authority of custom, validity of human authorities other than the *Smṛitis*, and significance of the doctrine of different standards of *dharma* for the successive Age-cycles. We may begin by taking up the first and the third items together. While it is improper, says the author (on Manu IV 176), to reject on the strength of the *Smṛitis* what is directly enjoined by the *Veda* (such as killing bulls in sacrifices), the custom of levirate (*niyoga*) which is

prescribed in the *Smṛitis* is not practised as being hateful to the people. Commenting on Manu's rule requiring unequal division of a man's property among his sons at partition, Medhātithi elsewhere (on Manu IX 112) combats the view that this is inapplicable during the present times : no restrictions (on the *Smṛiti* rules), he argues, are laid down as regards time and place except in very limited and specific circumstances, the example of non-performance of long sacrificial sessions (*dīrghasatra*) in the present times is inconclusive, and lastly, Manu's text (IX 66) referring to the time of Veṇa's sovereignty means that the duties have been performed from very ancient times, and not that these are restricted in their application to time. In the third extract (on Manu II 6) Medhātithi explains Manu's reference to his fourth and last source of *dharma* which he himself renders as 'conscientious recollection of those versed in the *Veda*'. The *Veda* which we infer to be its source, he says, was directly perceived by Manu and other sages, but the recensions prescribing those duties as laid down in the *Smṛitis* are now lost. This source of *dharma* must fulfil three conditions to be effective, these are that the persons concerned have learnt the sciences (*vidyās*), that these have acquired the same from learned teachers, and that they are in the habit of pursuing these studies therewith. All these qualifications were possessed by Manu and others : should even now a person possess the above qualifications, he should be accepted as equally authoritative with Manu and others.

As regards the second point, Medhātithi (on Manu II 6) observes that where the texts of the *Veda* and the *Smṛiti* are silent on an act but the cultured people perform it all the same in the belief of its being the *dharma*, it is to be accepted as being enjoined by the *Veda*. Quite different from the above is his estimate of ancestral usage. This, says he in his comment on Manu IV 178 (which refers to the path trodden by one's sires and grandsires as the standard of one's behaviour), is the means of ascertaining men's duties for ignorant people in respect of acts like non-injury to creatures, just like the beating of the royal drum in the case of barbarians and others, while on the other hand offerings to the sacred fire and such acts are to be ascertained only from the canonical texts bearing upon them.

As for the fourth point, Medhātithi (on Manu I 85–6) explains at some length his view of Manu's dictum about different standards of *dharma* for the successive Age-cycles. *Dharma*, says he, is here used not in the restricted sense of sacrifices and so forth (prescribed by the *Veda*), but in the wide sense of characteristics of things in general. These characteristics differ in each Time-cycle, just as things have one kind of characteristic in spring, another kind in summer and yet another kind in the rainy season. The difference does not mean that the things produce a different result by ceasing to produce known results, but that because of the lapse of potency they fail to bring about the complete result. Since the *Veda*, the author continues, does not prescribe austerities and so forth according to difference of the time-cycles, all acts must be performed at all times. Austerity, it is explained,

is the principal and most effective *dharma* in the *Kṛita* Age, as men then being long-lived and free from disease are most capable of performing the same: knowledge of spiritual affairs is the principal *dharma* for *Tretā* as in spite of the physical incapacity of men at that time the internal discipline necessary for that knowledge is not very difficult: sacrifice is the principal *dharma* for *Dvāpara* as its performance does not involve much trouble: lastly, charity is the principal *dharma* for *Kali* as it involves neither physical pain nor internal discipline nor much learning.

In the above extracts the author develops a few familiar *Smṛiti* principles not without some degree of originality. The authority of the *Smṛitis*, we read, while not overriding that of the *Veda*, is invalidated by its conflict with public opinion: the *Smṛitis* nevertheless have a binding authority practically unlimited by time: the conscience of individuals is equally authoritative with the *Smṛitis*, provided they possess the necessary qualifications of Vedic learning and character. Again, we are told that while good custom is the residuary source of law in the absence of canonical texts, ancestral usage is a guide only for uncultured men in respect of palpable acts: the doctrine of different standards of law (*dharma*) implies not their adoption in successive sequence, but their intensive application in succession in accordance with man's declining physical and mental capacities.

Let us turn to the discussions of the theory of the law of the social order by the other *Smṛiti* commentators. We propose to consider these under two heads. These are firstly, the authority of the canon and secondly, the significance of Yājñavalkya's doctrine of invalidity of canonical injunctions under some special conditions. As regards the first point, Aparārka (on Yājñavalkya, I 7) observes in the course of a long discussion of the sources of *dharma* that the non-Vedic canons (such as those of the Śaiva, the Pāśupata, the Pañcharātra and other sects) belong to the class of human compositions other than the *Dharmaśāstras*, and as such they are not to be followed as a whole but may be observed in parts. The authorities for the Sacred Law (*dharma*), says Haradatta (commentary on Gautama, I 1–2), are the four *Vedas*, and not what is directly perceived by ascetics (*yogins*), nor what can be inferred or understood, nor the canon of the Śākyas and others: when the direct and the general Vedic text cannot be traced, the *Smṛitis* of Manu and others who are versed in the *Veda* as well as their practices are authoritative for men like ourselves: these practices are likewise based on the *Veda*, since the lost Vedic texts by which they were presumably supported must have existed in their time, and there was no breach in their traditional continuity. The law (*dharma*) and its opposite, Haradatta observes elsewhere (commentary on Āpastamba, I 7. 20. 6–8), cannot be learnt by direct perception, but they have to be learnt from the *Veda* which is eternal and without blame, and in the absence of the *Veda* they have to be learnt from the *Dharmaśāstra* which is based upon the same: when a text of the *Veda* and the *Smṛiti* is wanting, the Law is to be learnt from the practices of good

men (*śishṭāchāra*). Referring further to Āpastamba's principle of the universal approval of the Āryas as the criterion of law, the author observes that this may be inferred to have been based upon lost Vedic passages. The same view of the unique authority of the *Veda* as the source of *dharma* is held by the other commentators. The traditions and practices of those versed in the *Veda*, says Maskari (on Gautama, I 2), are the sources of law, it being understood that they are not in conflict with the *Veda*. The practices of cultured men (*śishṭa*), says Govindasvāmin (on Baudhāyana I 4), are of three classes, namely, *dharma* presented directly by the *Veda*, that which is based on the scattered Vedic texts (*mantra*) and its declaratory assent (*arthavāda*), and that which is based on a lost Vedic recension (*pralīnaśākhā*).

As regards the second point, Viśvarūpa (on Yājñavalkya I 156) gives two different interpretations of the text based upon as many different readings (*lokavidvishṭa* and *lokavid-dvishṭa*) of the crucial phrase relating to the disapproval of the people. The first reading which is adopted by some involves the repudiation of what is disapproved by all men such as killing of cows and so forth. Rejecting this in favour of the second reading, Viśvarūpa understands Yājñavalkya's text to mean that when a certain act is not beneficial in the end and is condemned by Manu and others, one must not have recourse to it on the conceited understanding that this is *dharma*. The explanations of the other commentators based upon the former and the more natural reading of the phrase above quoted are almost identical. One should not, Vijñāneśvara explains, practise what hurts the people's opinion such as the killing of cows at the honey-mixture ceremony, although it may be prescribed (by the canon), since like the rite relating to the gods Agni and Soma it is not a means of winning heaven. One should not, explains Aparārka, perform what is beneficial only for this world, and what although prescribed by the canon is hateful to the people like the practice of the malevolent rites which is recommended both by Baudhāyana and Manu.

The above extracts show some remarkable attempts to clarify the older *Smṛiti* ideas relating to the law of the social order. In the first place the *Veda* is held to be the fundamental source of the law on which all other sources are based, while the non-Vedic canons are stated to have little or no authority. In the second place while Viśvarūpa prefers to take Yājñavalkya's rule by an evidently forced interpretation to refer to the invalidation of acts not sanctioned by the *Smṛitis*, Vijñāneśvara and Aparārka, adopting the natural reading of the text, take it to justify the invalidation of authoritative injunctions on the ground of their immorality and conflict with public opinion.

THEORY OF STATE LAW—AUTHORITY OF THE KING AS A SOURCE OF LAW

In so far as the theory of State law is concerned, Medhātithi's discussion is important chiefly for the light that it throws upon the authority of local and other usages. Commenting on Manu VII 8 (which requires the king to

decide disputes in accordance with the eternal *dharma*), the author observes that it excludes the standards of Wealth (*artha*) and Pleasure (*kāma*) which are not eternal : in the alternative, it enjoins performance of the usage of which the beginning cannot be traced along with rejection of the usage that has been established by the moderns, because it is non-eternal. Commenting in the next place on Manu VIII 41 (which requires the king to inquire into the distinctive usages of different groups of people for settling the law applicable to each), Medhātithi gives four alternative explanations of the difficult and ambiguous phrase *jātijānapadān* in the original text. The first interpretation, based upon the explanation of the term as local usages of the castes, gives the sense that the king should consider, firstly, whether these are or are not contrary to the canon, and secondly, whether these are sources of oppression to the people or otherwise, and then apply those which belong to the latter category : the second explanation gives the meaning that the local usages are eternal in so far as they are not contrary to the canon, and that while dealing with 'visible' affairs they are to be observed at all times : according to the third alternative explanation, the phrase refers to the usages of which the beginning cannot be traced and which are observed by the most qualified persons among those born and living in a particular region. According to the author's fourth and most original explanation the phrase refers to the local usages of barbarians (*mlechchhas*) and not Āryas : the barbarians, the author explains, follow practices similar to those of the lower animals, and not being entitled to other duties follow those that agree with such practices : the paramount ruler must not forbid such practices for two reasons, firstly, because the tribal usage (*jātidharma*) is followed by those observing their local customs (*svadeśāchāra*), and is sanctioned by their residence in the region concerned, and secondly, because there is in this case no conflict with the canon, for such a conflict would hold good for those entitled to perform their duties and not to lower beings. We may, lastly, quote a third extract containing Medhātithi's comment on Manu VIII 46 (asking the king to ordain for regions, castes and families the practices of good and righteous twice-born men, provided these are not antagonistic). This passage, says the author, imposes an additional qualification for validity of usages : while the earlier verse (VIII 41) refers to the authority of local, family and other usages, this one imposes an additional qualification in the sense that they are authoritative when agreeing with the canon, and not in the contrary case : by this argument, the author continues, the practices of villages and provinces as well as those of kings relating to the 'visible' (i.e. temporal) affairs which are not in conflict with the canon should be followed, but not those conflicting with the same. In the above extracts the author mentions alternatively or collectively a number of tests of authoritative usages, which repeat or develop the older ideas. These are the tests of conformity to the standard of Virtue, of immemorial antiquity, of agreement with the sacred canon, of fulfilment of the public good, and of observance by the most qualified indigenous people. By contrast, the local

usages of barbarians are held to be independent of any limiting conditions explicitly on the ground of sanctity of their local customs and of inapplicability of the canon law to themselves.

Turning to Yājñavalkya's commentators, we have to observe that their discussion turns chiefly on the question of significance of his rule of interpretation in the event of conflict of laws and in relation to the authority of *Arthaśāstra*. Explaining Yājñavalkya's text (II 21), Viśvarūpa gives three different interpretations which are based upon two different readings (namely, *Smṛiti* in the singular and *Smṛityoḥ* in the dual) in the original. When the *Smṛiti* is in conflict with reasoning (*nyāya*), so runs the first interpretation, the latter is authoritative in so far as it is in accordance with usage : the second (and according to the author, the best) interpretation gives the sense that when there is a conflict between *Smṛiti* and reasoning, the former (and not the latter) is authoritative, for reasoning proceeds from usage which is full of deceit : the third and the last interpretation gives the sense that when two *Smṛitis* are in conflict, reasoning is authoritative because of its conformity with usage. Explaining the same text (Yājñavalkya II 21), Vijñāneśvara first observes that the *Arthaśāstra* here referred to, is that which is incorporated in *Dharmaśāstra*, and has royal policy for its content, for the *Arthaśāstra* of the type of Uśanas is excluded by the earlier text (ibid. II 1) referring to *Dharmaśāstra* alone as the source of law. With this prefatory remark the author says although there is no essential difference between *Arthaśāstra* and *Dharmaśāstra* because of their composition by the same authors, *Dharmaśāstra* has the superior authority, for *dharma* occupies the principal and *artha* a subordinate place in the former : Therefore, concludes the author, when there is a conflict between *Dharmaśāstra* and *Arthaśāstra* the latter must certainly be overruled, and there is in this case no scope for the rule of adjustment or of option. As for Yājñavalkya's rule of interpretation in case of conflict of laws, 'Vijñāneśvara explains that rationalism may take the form of holding that one text lays down a general rule and the other lays down a special rule, or that the text relates to the different sets of circumstances, or that there is an option : but in arriving at these conclusions, the practice of the old or of *śishṭas* who follow the rule in one text and discard the rule in the other text is to be the guide.'[2]

Aparārka in the course of his work twice explains his view of the authority of *Arthaśāstra* as the source of law. In the first extract (p. 6) the author, explaining Yājñavalkya's reference (I 3) to the fourteen sciences (namely, the four *Vedas* with their ancillary literature) as sources of learning (*vidyā*) as well as of law (*dharma*), observes that these are the means of acquiring knowledge and through it the law : the four extra sciences (comprising the science of medicine, the military science, the science of music and *Arthaśāstra*) enumerated in a *Vishṇu Purāṇa* list, the author adds by contrast, are merely sources of learning and not of law. In a second extract (pp. 626-7) the author, quoting a text of *Bhavishyat Purāṇa* which divides *Smṛitis* into

five classes, makes out *Arthaśāstra* to belong the class of *Smṛitis* which deals with visible affairs based upon non-Vedic authority, unlike *Dharmaśāstra* which belongs to the class which is concerned with invisible affairs learnt from the *Vedas* alone. It is in this context that we have to understand the author's reference to Yājñavalkya's above-quoted rule (II 21) relating to the conflict between *Dharmaśāstra* and *Arthaśāstra*. He who overrules *Dharmaśāstra* under the influence of *Arthaśāstra*, says the author (p. 626) on the authority of Āpastamba's text quoted by us in a previous chapter (III), is liable to the penance for Brāhmaṇa-murder. The king in deciding disputes, we are told in an earlier passage (p. 600), should follow *Arthaśāstra* which is not in conflict with *Dharmaśāstra*.

The above extracts involve a number of important principles. Firstly, Viśvarūpa mentions two alternative and mutually contradictory rules of interpretation, one giving reasoning based upon usage the overriding authority over the *Smṛiti*, and the other reversing this rule, and he declares characteristically enough his preference for the latter principle. Alternatively he allows reasoning based upon usage the overriding authority in the event of mutual conflict of two *Smṛitis*. Secondly Vijñāneśvara, while recognising the canonical *Arthaśāstra* and the *Dharmaśāstra* as the two sources of law, emphatically declares the latter to have overriding authority over the former, and he justifies this by an argument which is as old as the early *Smṛitis*, namely, the superiority of Virtue to Wealth in the scale of human values. In the event of conflict between two *Smṛitis*, according to the same authority, the application of reasoning means the adoption of the rule of adjustment or of option, the choice being determined by the practices of good men. Thirdly and lastly, Aparārka, not only emphasizes the above principle giving *Dharmaśāstra* the overriding authority over *Arthaśāstra*, but he also justifies this by the quotations which deny canonical status to *Arthaśāstra* or, what virtually amounts to the same thing, gives it such a status in a very loose sense.

The *Arthaśāstra* principle investing the king's executive edict with the force of law, which as we have observed elsewhere (Chapter VIII) was incorporated into the *Smṛitis* by Manu and Yājñavalkya, is explained and amplified by our authors. *Dharma*, says Medhātithi (on Manu VII 13) while explaining Manu's injunction of implicit obedience to the king's commands in favour of his friends and against his enemies, means the executive direction (*kārya-vyavasthā*) which is not contrary to the canon as well as custom. In the following lines he gives five examples of the former type : 'festivities are to be performed today in the city by everyone', 'there is a marriage ceremony in the residence of the minister and all must attend there', 'no animals are to be slain by the soldiers today nor are birds to be entrapped', 'dancing girls are to be entertained by the rich for so many days', while he illustrates the latter type with two examples : 'no one should associate with this man', 'this man should not be allowed access into any one's house'. The king, however, Medhātithi concludes, has no authority for ordering castes and

orders about their duties (*dharmavyavasthā*), such as those about making an offering to the sacred fire, for otherwise there would arise the occasion for a conflict with the other *Smṛitis*, whereas this text would be quite apposite, should there be no conflict in the matter. Similar, but not identical, explanations of the above principle are given by Yājñavalkya's commentators. It is, says Viśvarūpa (on Yājñavalkya II 186), in illustration of the rule requiring conditional obedience to 'the king-made *dharma*' in the original, as when the king orders that fairs, festivals and so forth in celebration of the construction of a hall of Vedic study are to be performed (by the Brāhmaṇa colony settled in the capital in the present context) not only in their places of residence, but also in other places fixed by another king: the text means that the injunction towards *dharma* in this case should be obeyed not because it was issued by another king, but because it is in accordance with the law (*dharma*). Vijñāneśvara, commenting on the same text, explains 'the king-made *dharma*' as meaning the *dharma* based upon agreement, and he illustrates this with two examples, 'meals are to be provided for all travellers', 'horses and so forth are not to be exported to our enemy's circle of States'. 'The king-made *dharma*', says Aparārka in his comment on the same text, means the *dharma* suited to one's capacity, and he illustrates it by one example evidently applied to the Brāhmaṇa colony in the capital: 'he who among yourselves studies or knows much, should be given so much honour'.

The above extracts are of great significance as bringing for the first time into clear relief the limitations on the authority of the king's executive edict that are more or less implicit in the ideas of the older canonists. The king's edict, it is held, is valid provided that it is in agreement with the Sacred canon and custom (the domain of Sacred Law being expressly declared to be outside the scope of the king's edict), or else that it agrees with public opinion and suits the people's capacities.

Let us now consider an extract illustrating Aparārka's view of the authority of the king's decree in relation to other judicial processes. In this passage (ibid. p. 597) the author, quoting 'Nārada's' (really Kātyāyāna's) text (above, p. 315) declaring the king's decree to have overriding authority over usage, illustrates it by an example: it is as when there is even a written local usage to the effect that the king's officers must not enter the residences of Brāhmaṇas, but nevertheless these officers enter those residences by the king's command for arresting thieves and so forth. In the above passage the author interprets the king's decree so as practically to identify it with his executive edict. His illustration shows how the king's edict in the exercise of his police functions overrides well established private rights of sanctuary.

THE CONCEPT OF ROYAL DUTIES (*RĀJADHARMA*)

Medhātithi's short discussion of the old *Arthaśāstra-Smṛiti* concept of *rājadharma* develops the older ideas at several points. Introducing Manu's section on *rājadharma*, he says (on ibid. VII 1) that its subject-matter is what ought to be done by the king, that the king's duty is of two kinds according

as he deals with 'visible' affairs like the six forms of foreign policy and 'invisible' affairs like offerings to the sacred fire, and that the former alone is dealt with here as being generally called *rājadharma*. The duties described, he further observes, have not in all cases their sources in the *Vedas*, but they have other sources as well, and among these last those that are not contrary to *Dharmaśāstra* are described here, for, as Kātyāyana says, one should follow *Dharmaśāstra* by giving up *Arthaśāstra*. The above extract brings into clear relief two principles about the scope and sources of *rājadharma* which are latent in the late *Smṛiti* thought. These are, firstly that while *rājadharma* comprises the Whole Duty of the king, its principal and distinctive element consists of the king's public acts as so to make it practically synonymous with Politics, and secondly, that *rājadharma* as such has a twofold source, namely, the Vedic and the non-Vedic (*Arthaśāstra*).

TITLE TO RIGHTS AND DUTIES OF KINGSHIP

The *Smṛiti* commentators of this period transfer from the domain of Vedic ritual to that of law a discussion started by the early *Mīmāṁsā* writers, namely, that of eligibility to kingship after the canonical standards. We have seen how the authors of the early works on *Mīmāṁsā* (Śabara and Kumārila) reserve this title in strict accordance with the Vedic dogmatic tradition for the Kshatriya caste alone, although they are constrained by the logic of facts to recognise its extension to non-Kshatriya rulers as well. Medhātithi's discussion on this point involves a clear recognition of the wide connotation of the royal title. The term king (*rājan*), he says in his comment upon Manu's text (IV 84) condemning acceptance of gifts from a king not sprung from the Kshatriya stock, here means likewise a territorial lord, although of a non-Kshatriya stock. Although the title *rājan*, observes the author in his comment upon a second text (Manu V 92–4) exempting the king from ceremonial impurity, applies to a man of the Kshatriya caste, still for the reason given in the text (namely, the king's occupying the position of sovereignty) it signifies by implication a territorial lord : the king's right to instant purification is founded not upon his birth alone, but upon his function of protecting the people : therefore even a non-Kshatriya is entitled to this privilege, if he is capable of protecting his subjects. The title *rājan*, we are told in the course of the author's comment upon a third text (Manu III 109), refers not to any and every Kshatriya, but to one who has received consecration, for all Kshatriyas are not entitled to this high honour of honey-offering (referred to in the original): therefore, concludes the author, a territorial lord whether he is a Kshatriya or a non-Kshatriya is entitled to this honour : this is subject to the condition that the Śūdra (with this status) should not be received with the recitation of Vedic texts. Commenting on another text (V 81) of Manu the author says that the title *rājan* applies by implication to an individual of any caste who possesses the attributes of consecration and so forth. Introducing Manu's chapter on *rājadharma*, the author (on ibid. VII 1–2) further applies the title *rājan* not

to a man of the Kshatriya caste (alone), but to one possessing the attributes of consecration, lordship and so forth, and he proceeds to explain (on the strength of Manu's use of the generic word *nṛipa* for king) that its scope extends to a territorial lord : although, the author continues, Manu's explicit reference proves the Kshatriya alone to be eligible to rule, a substitute for him must be allowed, for otherwise the subjects would perish. Introducing the following chapter (on law and legal procedure), the author (on Manu VIII 1) first observes that protection of the people has been prescribed for the king, and then he explains that when men of other castes live by the Kshatriyas' occupation, they are certainly entitled to rule : this is supported by a quotation to the effect that whoever is the protector of the whole people is known as king, and that this duty has been ordained for the good of the people. Medhātithi's explanation of the royal title in the sense of a ruler not necessarily of the Kshatriya caste is followed by the later commentator Kullūka (on Manu V 94 ; VII 1–2 etc.). This is supported not only by reference to the generic term for king in the original and the *Smṛiti* rule allowing Brāhmaṇas as well as Vaiśyas and Śūdras to live by the king's occupation in times of distress, but also by the *Smṛiti* principle of the king's supreme duty of protection in return for his collection of taxes.

Let us now turn to the discussion of the above point by Yājñavalkya's commentators. Introducing Yājñavalkya's section on *rājadharma* Viśvarūpa (on ibid. I 309) poses the question whether the title 'king' belongs to the Kshatriya alone, and he answers it on the strength of two texts (Manu VII 2 and Yājñavalkya I 119) in the affirmative : there is, however, this peculiarity that the title to dominion belongs not to a Kshatriya as such, but to one who has the attributes of consecration and so forth. Introducing the same text Vijñāneśvara observes that the author, having described the general duties of the householders, deals here with those which belong particularly to one who has the attributes of consecration and so forth, while Aparārka says that the author, after describing the duties of the castes as well as those of the Vedic student and the householder, now proceeds to mention the duties of the householder-king such as protection of the kingdom.

The question of the title to kingship is discussed by the commentators likewise in other texts. The generic word for king (*pārthiva*), says Viśvarūpa in his comment on Yājñavalkya I 109, signifies one possessed of his own kingdom and not a (mere) Kshatriya. The generic word *nṛipa*, we are further told (Vijñāneśvara on Yājñavalkya I 117), here refers to the ruler of a kingdom, and not a mere Kshatriya. Again we read (ibid. II 1) that the word *nṛipa* shows that this duty (sc. of investigating suits) belongs not to a Kshatriya alone, but likewise to any other man engaged in protecting his subjects. Though this whole set of royal duties has been prescribed with reference to the king, Vijñāneśvara (on Yājñavalkya I 368) sums up at the end of his commentary on the section on *rājadharma*, it must be understood to apply likewise to a man of another caste who is entrusted with the task of protecting the provinces, districts and so forth : this is proved in the first

place by the separate use of the generic term for king (*nṛipa*) in Manu VII 1, and further by the argument that the collection of taxes has for its object protection of the subjects which in its turn depends upon the infliction of punishment. All this (set of duties), observes Aparārka at the conclusion of his commentary on the same section, has been prescribed for a Kshatriya ruler : should, however, a non-Kshatriya do the work of the Kshatriya, he must likewise perform all these duties. This view is sought to be proved by a twofold argument. Firstly, there is the popular maxim (*nyāya*) to the effect that from the performance of a particular occupation follows the acquisition of its corresponding obligation. Protection of the subjects, so runs the second and more specific argument, is involved in the collection of taxes : everyone who pays money, it is explained, expects some benefit to accrue to himself : now payment of taxes has no other object than self-preservation, and therefore it is proved that he who takes the taxes is bound to protect the subjects.

It follows from the above that the rights and duties of kingship (after the *Smṛiti* standards) belong not to the Kshatriya as such, but to one who along with the qualification of his birth (according to Viśvarūpa) or independently of the same (according to the other authorities) occupies the status and fulfils the functions of a ruler. The essential test of kingship in other words is not birth, but status and functions. This is justified by two important political principles borrowed from the old *Smṛiti* tradition. These are firstly, the conception of the king's office as the fundamental safeguard of individual and collective security (Medhātithi), and secondly that of the king's obligation of protection following from his function as a ruler and more specifically from his collection of taxes from his subjects (Vijñāneśvara, Aparārka and Kullūka).

AUTHORITY AND OBLIGATION OF THE TEMPORAL RULER

Medhātithi's discussion of the old *Smṛiti* principle of the king's authority involves a considerable modification of Manu's complex ideas on the subject. Explaining Manu's reference to the certain and immediate destruction awaiting the hater of a king, Medhātithi (on Manu VII 12) observes that another man may tolerate a wrong because of the difficulties (such as loss of substance of the suit and even its true character becoming otherwise because of witnesses changing their minds) in placing his complaint before the king : but when the king makes up his mind to destroy a man, he is surely ruined because of the king's authority. More important than the above is the author's summary (on Manu VII 29) of Manu's introductory verses in his chapter on *rājadharma* which refer to the king's Divine creation as well as that of the king's coercive authority (*daṇḍa*). The gist of the above, we are told, is that the Kshatriya behaving impartially towards all should rule the kingdom, and since this is not possible without punishment, he should apply the same at home and abroad according to the direction of the canon and after full investigation of the conditions of place and so forth : all the

rest is mere explanatory statement. The above extracts indicate a decided tendency to find a rational basis of the king's authority in the place of Manu's essentially dogmatic conception. The king's prerogative of life and death over his subjects (which is in sharp contrast with the dependent position of the latter) is held to be founded not so much upon his divine origin, as upon his supreme position in the State, while his plenary coercive authority is justified by his obligation of impartial rule. The king's authority in other words is founded essentially upon his status and its coercive aspect upon his ruling function.

We may next consider Medhātithi's discussion of the complementary principle of the king's obligation towards his subjects under three heads, namely, its scope, its nature, and its content. As regards the first point Medhātithi (on Manu VII 2) in the course of his comment on the text requiring the duly consecrated Kshatriya to protect 'all people', observes that the word 'all' means tax-payers as well as the poor and the friendless (who do not pay taxes). Commenting on a second text (VII 80) on Manu which asks the king to behave like a father towards men, the author observes that the king should behave with friendliness towards tax-payers as well as others. The word 'all' in Manu VIII 40 (which requires the king to restore stolen property to the owners of all castes) shows, we read furthermore, that this must be restored even to Chaṇḍālas. Similarly, the word caste (*varṇa*) in Manu VII 35 which declares the king to be the divinely ordained protector of all castes and orders, implies his protection of women, children, and old men who do not belong to any order (*āśrama*).

As regards the second point Medhātithi further explains Manu's text (VII 35) above quoted in two different ways depending upon the alternative reading of a crucial phrase occurring therein. Should the king, so goes the first explanation, fail to protect those who are devoted to their duties, he would incur sin, but he would not incur much blame if those who have fallen off from their duties are oppressed by someone: alternatively, the king should not adopt a hostile attitude towards those who are not conversant with their duties through the canon or through the advice of friends and so forth. The second extract occurs in the course of Medhātithi's comment on Manu VIII 304 which promises to the king one-sixth of the spiritual merits and demerits of his subjects according as he does or does not protect them. According to the *prima facie* view, we are told, the king's acquisition of one-sixth share of the merit is not justified since protection in this case is 'purchased' by payment of the king's subsistence (*bhṛiti*): to this Medhātithi replies that the poor and the friendless, the mendicants and so forth (who are likewise protected by the king), have been declared elsewhere to be exempt from taxation, and therefore there is no incongruity if the king fulfils his whole duty towards his subjects. The third extract occurs in course of Medhātithi's comment on Manu IX 253 which promises the reward of heaven to the king who protects those following the Aryan rule of life. It is proper, so runs Medhātithi's first interpretation, that the king should go to

heaven by protecting the poor, the friendless and the learned Brāhmaṇa who pay no taxes and no duties : in the case of others, however, the king, by not performing his obligation, incurs sin, for their protection is purchased by payment of the king's means of subsistence : on the other hand the king attains immunity from sin, but not the reward of heaven, by paying a ransom in the shape of offering protection. Alternatively, according to Medhātithi Manu's text should be understood to refer to fulfilment of the rule regarding the king's livelihood. Dismissing the reference to the king's reward of heaven as a mere explanatory statement, the third interpretation maintains that the protection of those who do not contribute to the king's livelihood is likewise fixed by the king's occupation, for these people also form part of the kingdom which it is the king's obligation to protect : this is supported by an argument drawn from analogy, namely that artisans plying their craft for a living are made by the king to perform some work in lieu of taxes, and similarly the king engaged in his livelihood in the shape of protection of his subjects, is made by the canon to protect the Āryas as a compulsory duty. To the above the author adds the analogy of a householder kindling the sacred fire, who performs obligatory rites not for winning heaven or for any such reward. He who receives the agricultural tax and still fails to slay thieves, we are told in the same context (on Manu IX 254), incurs a double blame, namely, in this world the disaffection of his subjects, and in the next the loss of heaven: it is but proper that he who receives the taxes and yet fails to give their requital should incur (this twofold) blame.

As regards the third point, protection of the subjects, says the author (on Manu VIII 1), is prescribed (in the canon) as the king's occupation. Protection, it is further observed, is the removal of troubles and these are divisible into two classes, namely, the 'visible' (i.e., temporal) and the 'invisible' (i.e., spiritual) : the weak men, says the author by way of illustration from the law of theft, being oppressed by the strong through robbery of their wealth and so forth, suffer 'visible' trouble, while the strong man by suffering pain in the next world because of his committing sin in violation of the injunction (not to take another's wealth) undergoes 'invisible' trouble. Not only do kings, the author further says in his comment on a second verse (VIII 304) of Manu, incur sin for failure to protect those who are robbed by thieves, but they also share the sins of those who rob others, and whom they have themselves failed to suppress : because preventing those requiring protection from committing 'invisible' faults is also protection, and the king entrusted with this task is justly charged with blame for its non-performance. The next extract bears on Medhātithi's interpretation of Manu's text (VII 39) which allows the king one-half of treasure-trove and underground minerals by virtue of his protecting the same. Although in the case of things buried underground by another, says the author, there is no need for the king's protection, still there is the risk of its being stolen by a strong man and hence this reference to protection is justified.

The above passages involve a number of important principles. In the first group of extracts the author, clarifying Manu's conception, declares the scope of the king's obligation of protection to extend to all classes of his subjects irrespectively of their status (as tax-payers or otherwise), birth (as Brāhmaṇas or as Chaṇḍālas), sex and age. In the second group of extracts the author first distinguishes between the king's obligation towards two classes of his subjects in the sense that while protection of the virtuous is his compulsory duty, it is otherwise with his obligation towards the sinful. This involves the remarkable principle that the right to protection is founded on virtue. The author further discusses the nature of the king's obligation of protection in its twofold aspect, namely, the ethico-religious and the quasi-contractual: against the argument based on the latter principle (namely, that the king's protection of tax-payers is independent of any reward and is as such compulsory on the ground of its being the return for their purchase-money in the form of taxes), the author states in the light of the former principle that protection of the non-taxables is likewise the king's compulsory duty. Finally, the author lays down three parallel principles relating to the nature of the king's obligation. The king's protection of the non-taxables, it is first urged, is attended with reward, and is as such relatively optional: by contrast the protection of the tax-payers brings immunity from sin but no reward and is as such compulsory, the immunity being explained by the fact that the protection in this case is due to the subjects in return for their purchase-money, or else is the ransom paid by the king in lieu of taxes. Alternatively, protection with its attendant reward is held to be the means of the king's subsistence which is provided for him by the law of his order. According to yet another interpretation protection of the non-taxables is likewise the king's compulsory duty which is imposed upon him by the law of his order: this is paralleled by the artisan's compulsory duty of contributing their labour under the king's orders and the householder's equally compulsory though self-imposed duty of maintaining the sacred fire. The author concludes somewhat inconsistently by mentioning the twofold danger following from the neglect of the king's obligation towards tax-payers: this consists in disaffection of the subjects as well as spiritual unhappiness and is justified by the above-mentioned argument of the subjects' payment of their purchase-money. In the third group of extracts the author explains the double content of the king's duty of protection as involving on the one hand the grant of security to the weak and on the other hand the prevention of wrong-doing by the strong. This is based upon the conception of the wrong suffered by the oppressed and the oppressor in the event of the king's neglect of his obligation, the former suffering temporal loss and the latter the loss of spiritual reward after death. The author's further argument justifying the king's title to his share of underground wealth on the ground that he protects this wealth against the hypothetical danger of its theft by the strong involves a constructive application of the familiar *Smṛiti* principle of the king's obligation of protecting the property of his subjects.

We may notice, lastly, a text of Medhātithi referring to the relative status of the ruler and his subjects. This occurs in the course of the author's comment on Manu VII 190 which describes the king's disposition of troops in battle. The king, we are told, should address his troops in this wise, 'Gifts, honours, appreciation and so forth shall be bestowed upon you all, and hence it is to the interest of everybody including the officials (*amātyas*) and so forth that it should be fought well. I am a king only in name (*nāmamātram rājā*). All of us are equal sharers of wealth (that may come to us) : if we win, we acquire a kingdom : if we lose, we gain heaven : it is for this purpose that we have assembled here'. This passage involves the principle of democratic equality between the king and his subjects. But as in the case of the parallel passage of Kauṭilya's *Arthaśāstra* quoted in a previous chapter (VI) which relates to official propaganda in peace-time, its avowed use for the purpose of propaganda in a military camp deprives it of all philosophical significance.

The view of Kullūka regarding the authority and obligation of the temporal ruler, though slighter than that of Medhātithi, is not wanting in interest. As regards the former principle the king's might, we are told (on Manu VII 7), is held to be derived from a twofold source, namely, his birth from the particles of the deities (as stated by Manu VII 4–6) and his fulfilment of their functions (as observed in Manu IX 303–11). Commenting on Manu's warning (VII 8) against disregarding the king who is a great deity in human form, the author says that this refers to the 'invisible' evils such as the sin attending disregard of the deities. Introducing Manu's next verse about the danger of provoking the king's anger, the author takes it to refer to the 'visible' evils. As regards the principle of the king's obligation, Kullūka (on Manu VIII 304) explains that the king, according as he protects or does not protect his subjects, earns one-sixth of the spiritual merits and demerits of them all, the term subjects signifying those who like the merchants pay the king's subsistence as well as those who like the learned Brāhmaṇas do not pay the same. To the *prima facie* argument that the king should not earn one-sixth of the spiritual merit for protection since this is purchased by the payment of his subsistence, the author replies that protection (literally, 'what is purchased') in return for subsistence as well as for one-sixth of the spiritual merit is enjoined by the canon. The king, further observes the author (on Manu VII 35), incurs no sin even by not protecting those who have departed from their duties, though he does so by not protecting the castes and the orders observing their duties. In the above extracts the author, unlike Medhātithi, bases the king's authority upon the triple principle of the king's divine origin and his functions matching those of the gods, as well as his irresistible force. Secondly, the author repeating one of Medhātithi's alternative views about the scope of the king's obligation makes it apply to both taxable and tax-free classes, and he justifies this by the double principle of the due of the tax-payers and the king's spiritual reward for service. Thirdly and lastly, the author following Medhātithi limits

the scope of the king's protection by declaring in effect that this is founded upon virtue.

The discussion of the principle of the king's obligation by Yājñavalkya's commentators turns principally on the question of its nature and its application. Explaining Yājñavalkya's reference (I 119) to protection as the chief occupation (*karma*) of the Kshatriya, Vijñāneśvara (loc. cit) says that it is so alike for the purpose of the king's subsistence (*vṛitti*) and of his duty (*dharma*). What is called protection of the subjects, similarly observes Aparārka in his comment on the above text, is the Kshatriya's chief occupation (*karma*), and is likewise the source of his duty : this is justified by the argument based on Yājñavalkya (I 334) that the king thereby earns one-sixth of the spiritual merits as well as of the wealth of his subjects. How protection is declared by Vijñāneśvara and Aparārka in effect to be the corollary of the king's collection of taxes in the course of their discussion of the title to kingship has been told in another place. Explaining Yājñavalkya's reference (I 359) to the king's high spiritual rewards for punishing the guilty, Vijñāneśvara (loc. cit) further observes that this must not be taken to mean that the king's obligation is optional, for Vaśishṭha (XIX 40–41) declares the king to be liable to penance for its violation. The same explanation is given by Aparārka in his comment on Yājñavalkya's text above quoted. In the last place Vijñāneśvara, commenting on Yājñavalkya (II 1) which requires the king to investigate suits along with the learned Brāhmaṇas, observes that the Brāhmaṇas are shown by the use of the instrumental case in the original to occupy a subordinate position, and therefore the king instead of the Brāhmaṇas incurs blame when the suits are investigated improperly, or not at all. In the above extracts the authors seem to clarify three important *Smṛiti* principles. The king's obligation of protection, we are first told, has a double aspect in the sense of being his duty (with its accompanying sanction in the shape of transfer of a share of the subjects' good *karma* to the dutiful king) as well as his occupation (in the sense of providing him with his dues from the subjects). Secondly, we read that although the king's protection is attended with a spiritual reward, it is his compulsory (and not optional) obligation. Thirdly and lastly, we are told that although the king and the Brāhmaṇa are joined in the administration of justice, the blame for its failure rests on the king alone : this is based on the relative role of the two, corresponding roughly (as we know from other sources) to that of the judge and the jury respectively.

The references to the clauses of the State-law relating to the king's authority by Yājñavalkya's commentators help us to understand their view of its limitations. Explaining Manu's reference (IX 275) to the penalties for various offences against the king's authority, Vijñāneśvara (on Yājñavalkya II 302) observes that the penalty of confiscation of all property does not apply to what is needed for the offender's livelihood, while the death penalty is not applicable to Brāhmaṇas. This view is repeated by Aparārka (p. 864). In the above the authors seek to limit the application of the familiar clauses

of law in support of the king's authority by means of two counteracting principles after the *Smṛiti* pattern. These relate, firstly, to the individual's right to subsistence, and secondly, to the immunity of the Brāhmaṇa from capital punishment.

We now turn to the discussion of the old *Smṛiti* clauses of civil and criminal law about the king's obligation by Yājñavalkya's commentators. The direction to the king to restore stolen property to its owner, says Viśvarūpa (on Yājñavalkya II 38), applies to all and not merely to the Brāhmaṇas. When the king, says Vijñāneśvara more explicitly (loc. cit), himself enjoys the wealth after recovering it from the hands of robbers, he incurs the guilt of a thief, but when he neglects to take steps for its recovery, he incurs the sin of the aggrieved subjects. In the second place Medhātithi, while commenting upon Manu's celebrated dictum (VIII 336) about the king's enhanced liability to fine in comparison with his subjects, observes that punishment is meant to serve a 'visible' purpose, and that the king is justly visited with punishment because he cannot bring others under control without controlling himself. The king again, being a very rich man, should not mind paying a small fine. The parallel passage (II 310) of Yājñavalkya (which requires the king to multiply an unjust fine thirtyfold for bestowing it upon the Brāhmaṇas through the God Varuṇa) is explained by Viśvarūpa in three different ways in accordance with as many different readings in the text. The penalty, we read, applies to a fine lawfully earned by the king but not realised by him through affection (for the offender) and so forth, or else to a fine unjustly realised by him, or lastly to a fine which he has lawfully realised. All the above explanations, we are told at the end, are justified by the authority of the *Veda* and the *Smṛitis*. Commenting on Yājñavalkya's text requiring the king to impose a fine equivalent to double the value of the suit upon assessors guilty of violating *Smṛiti* injunctions, Viśvarūpa (on Yājñavalkya II 4) observes that the king (or his representative) is liable to double this fine because the judicial decision depends upon him. The king, says Vijñāneśvara (on Yājñavalkya II 310), is bound to return to the owner what has been unjustly realised from the latter in the shape of fines, for otherwise he would incur the guilt of theft. When the king unlawfully realises a fine, the author explains, the title (*svatva*) of the previous owner does not thereby cease. The above passages clarify the old *Smṛiti* clauses of law about the king's obligation of protection on several points. According to Viśvarūpa and Vijñāneśvara the restoration of stolen property to its owner is the king's universal obligation applying to all classes of his subjects, Vijñāneśvara adding to the above the familiar *Smṛiti* conception of transfer of the evil *karma* of the subjects to the ruler for the neglect of his obligation. In the second place, Medhātithi justifies the king's enhanced liability to fines by a political as well as an economic argument, the former being based upon the old *Arthaśāstra* principle that self-control is the king's prerequisite for his rule over his subjects. Thirdly, according to Viśvarūpa's somewhat confused thinking the king's surrender of fines with an increased penalty is applicable

in the event of his neglect to realise lawful fines or else his realisation of unjust fines, while the king's liability to a double fine in comparison with the assessors is justified by his responsibility for the final decision. Fourthly, according to Vijñāneśvara's somewhat original explanation the king's liability to return an unjust fine to the owner is justified by the doctrine of the latter's uninterrupted title to the same.

THEORY OF THE KING'S COERCIVE AUTHORITY (*DAṆḌA*)

The old *Arthaśāstra-Smṛiti* theory of *daṇḍa* is discussed by Medhātithi mainly from three points of view, namely, its function, its scope and its procedure. *Daṇḍa*, explains Medhātithi in the course of his comments on Manu's verses (VII 14–29) relating thereto, was created for the fulfilment of the king's office as without it he is unable to protect his subjects : although it deprives men of their lives and property, it must not be regarded as a sin and it is in fact and beyond doubt *dharma* because of its origin out of the Creator's body : without it the king's authority does not exist, and it brings even strong men under control by treating them as if they were women : it enforces the performance of all work : the king's command acquires its force through it : like the surety in a process of law it prevents the castes and the orders from disregarding their duties. Since protection of the people, we are told in the course of Medhātithi's following summary (on Manu III 29), is not possible without *daṇḍa*, it must be inflicted by the king at home and abroad after careful consideration of the conditions of place and so forth and in accordance with the canon : all the rest, adds the author summarily, is a mere explanatory statement. The *daṇḍa* set forth here, says the author (on Manu VII 16) in the same context, is provided for wrongdoers meaning high officials and others who have done harm to the king, while the *daṇḍa* applicable to those who act wrongfully towards one another is set forth elsewhere (on Manu VIII 126) : the additional factor to be considered in this case is learning which means the knowledge of the *Vedas* : the difference between the two basic verses (Manu VII 16 and VIII 126), the author sums up, hinges on the difference between 'visible' (i.e., temporal) and 'invisible' (i.e.,spiritual) affairs, and between the constituent elements of one's own kingdom and the people in general. Commenting on Manu VII 126 Medhātithi, however, observes that this is the basic verse in respect of offences named as well as unnamed, and that the infliction of punishment is to be made in accordance therewith in all cases.

Let us now turn to the discussion of the theory of *daṇḍa* by Yājñavalkya's commentators in the course of their explanation of the relevant verses (I 352–8) of this author. Killing thieves and so forth like killing for the sake of sacrifice, says Viśvarūpa, is beyond doubt a religious act. As *daṇḍa* has been prescribed for the king, observes Aparārka, its application does not involve unrighteousness. Referring to Yājñavalkya's verse (I 358) (which declares no one, not even the brother or the son or so forth, who has violated his duty to be exempt from the king's punishment), Vijñāneśvara observes

on the authority of another *Smṛiti* text that the parents and others form an exception to this rule, while Aparārka says that this exemption is applicable only in the case of slight offences.

In the above extracts the authors develop the old *Smṛiti* conception of *daṇḍa* on four points. In the first place, Medhātithi emphasizes the function of *daṇḍa* as the most potent instrument of the king's authority as well as safeguard of the social order based upon the fulfilment of individual obligations after the canonical standards. Secondly, Medhātithi hints for the first time at a twofold procedure for the application of *daṇḍa* based upon the distinction between offences against the State and private parties, as well as those against the secular and the religious law. Thirdly, Medhātithi, Viśvarūpa and Aparārka emphasize the moral basis of *daṇḍa* on the ground (as stated by the first and the third writers) of its being the divine remedy for man's sin. Fourthly and lastly, Vijñāneśvara and Aparārka limit the older doctrine of the universal application of *daṇḍa* to a greater or a less extent by reference to the offender's status in relation to the king.

CIVIL RIGHTS OF CLASSES

The old *Smṛiti* idea of the civil rights of classes is dealt with by our authors in several passages. Construing Manu's well-known verses (VIII 348–9), relating to the private rights of the twice-born classes, as two independent sentences, Medhātithi understands the first sentence to mean that they are normally entitled to bear arms. The contrary view, which by making the two verses one complete sentence would confine the scope of this right only to the occasions specified by Manu, is rejected by Medhātithi on two grounds. In such an event, he asks, what would be the plight of a man who being unarmed falls into the mouth of a desperado (*ātatāyī*) attacking him unexpectedly? Desperadoes certainly do not wait for the other man to take up arms. It may be argued, the author continues, that one may take up arms when (as mentioned in the text) his duties are obstructed and anarchy is caused by evil times because of the king's death and the (consequent) outbreak of disorder, but at other times when the kingdom is well governed, the king himself gives protection. To this argument Medhātithi replies that the king cannot stretch his arms so as to reach every man within his kingdom: there are some wicked men who attack the most valiant of the king's officers, but are afraid of persons bearing arms: from this it follows that bearing arms at all times by the subjects is justified. In the second place Medhātithi puts the question whether bearing arms is intended only to strike terror, and he answers this question emphatically in the negative. The slayer of a desperado, he observes, incurs neither sin nor punishment by the king nor (liability to) penance, and he may kill the desperado either publicly in the presence of other people, or secretly by administering poison and so forth. In the third and the last place, the author, while paraphrasing Manu's list of occasions justifying the killing of a desperado, adds that when the king is dead or when such other calamities

take place, one may take up arms for the protection of his own family and property, and he quotes another view which extends this right to the protection of others as well. With this last extract we may compare Vijñāneśvara's comment on Yājñavalkya's text (II 286) dealing with the law of adultery: the penalties provided here, we are told, are intended for application by the king alone, for it is the king and not the upper classes in general, who is entitled to rule the people: when, however, there is risk of failure of justice from the delay involved in informing the king, one may himself kill the wife's lover and so forth: for, as the author argues, Manu's two texts (VII 348 and 351) permit the upper classes to take up arms on special occasions. Of an altogether exceptional character is the next extract to which we now turn. When the king, says Viśvarūpa (on Yājñavalkya I 340), is guilty of a grave crime, he should be slain even by (the subjects) throwing (each) a mighty clod of earth against him: otherwise the destruction of the army, the revenue and so forth would be inevitable, since all these have their roots in the king.

In the above extracts Medhātithi develops Manu's principle of class rights on three points. These deal with the occasion, the extent and the objectives, for the exercise of those rights. The individuals of the upper classes, we are first told, are entitled constantly to bear arms in self-defence. This is justified by a twofold argument, one based on the necessity of constant preparedness for meeting the sudden attacks of desperadoes and the other on the insufficiency even of a good State-administration to ensure universal security. Again we read that killing desperadoes is neither a sin nor a crime, and it may be done either openly or secretly. In the event of a grave political crisis, it is further observed, the individual's right of self-defence extends likewise to the protection of his family and property, and (according to one view) to the protection of his neighbours: further while the prerogative of punishing crimes belongs exclusively to the ruler, the subject is entitled in the exercise of his right of private defence to kill a wife's lover in an emergency. Lastly as regards the public rights of the community, Viśvarūpa repeats Bhīshma's plea in favour of tyrannicide by the subjects. This is justified by the argument that slaying the tyrant is necessary in the interest of security of the State.

IDEA OF PROPERTY

Medhātithi's idea of property combines two inconsistent principles. The king, he says in one place (on Manu VIII 39), is lord (*prabhu*) of the soil and therefore it is proper that he should get his share of that which is derived from the land belonging to him. The field, he observes elsewhere (on Manu IX 44), belongs to him who made it fit for cultivation by clearing it of the undergrowth of thickets and creepers, and the fruits derived from ploughing and sowing the field likewise belong to him. The above extracts involve two contradictory principles of which the first, as we have observed in Chapter IX, appears to have been introduced by Manu into the *Smṛiti* literature probably from the *Arthaśāstra* tradition, while the second is evidently

borrowed from a dictum of Manu derived from immemorial antiquity. These principles relate, successively, to the king's ownership of the soil entitling him to his share of its underground wealth, and, to the title of the first clearer to the soil and its products.

THEORIES OF STATE-STRUCTURE AND GOVERNMENT

In so far as the concept of the State-structure is concerned, the commentators of Manu and Yājñavalkya repeat and partly develop the ideas of the older authors. Explaining Manu's reference to the category of the seven limbs of the State, Medhātithi (on Manu IX 294–6) observes that this is laid down for teaching such rules of kingly duties as are necessary for the administration of the rural area (*rāshṭra*), for otherwise the king might be tempted to overlook offences of his favourites, of his Chief Queen, of the princes and so forth, in the expectation of requiring the help of his military commanders and vassals who are injuring the country-people, against an uprising of the subjects : the rural area in fact, Medhātithi concludes, stands on an equal footing with the king and so forth, although there is a difference in the degree of their importance as constituent elements of the State : the technical term *prakṛiti*, we are further told, means either the operating cause (*karaṇa*) so as to make these elements the components of the State in the same way in which potsherds are components of the jar, or else it refers to their nature (*svabhāva*) so as to make the State partake of their characteristics. The author (on Manu IX 295) next explains the order of importance of the calamities of the elements, but his arguments being derived wholly from Kauṭilya need not be quoted here. Since the constituents of the State, the author further says (on Manu IX 296), help and are helped by one another, none of them is sufficient for the purpose of creation and destruction of the State, just like the soil, the seed and water in the matter of growing sprouts : hence all of them must be given high consideration though they differ in their relative importance : the ally and others should be looked after with great attention, for should the ally be lost, the State would be destroyed : the country-people (*rāshṭra*) must not be oppressed with infliction of unjust punishment and so forth, but on the contrary should be carefully protected against oppression by thieves and the like. The views of Yājñavalkya's commentators are much less important in comparison with the above. According to Vijñāneśvara (on Yājñavalkya I 353) *prakṛiti* means the root-cause of the State, while Aparārka (ibid.) more fully defines it as that whereby a product is made, fixed and brought into shape as gold is the *prakṛiti* of an ear-ring. The above passages involve a number of important principles. Firstly, Medhātithi lays down the principle of integration of all the constituents for the common purpose of security of the State along with its corollary of their title to equal consideration by the ruling authority. This last applies especially to the rural area and its people, as these are apt to be neglected in the interest of the other constituents. Secondly, according to Medhātithi, Vijñāneśvara and Aparārka the constituents form the material cause of the

State in the sense of being the components thereof. Alternatively, according to Medhātithi these form the abstract cause of the State as giving it its distinctive nature.

We may next consider our authors' discussion of the theory of government under the three heads mentioned elsewhere, namely, the king, the officials, and the administrative organisation.

1. THE KING. Justifying the curriculum of the king's studies in Manu's text (VII 43), Medhātithi observes that the king should come to a decision on doubtful matters in the light of the *Vedas*, and that he must not neglect the same through the pride of his sovereignty and belief in his omniscience. Although the king can learn the affairs of the whole world through *daṇḍanīti* alone, we are further told, those other sciences are helpful, as they awake the dull-witted and inform the intelligent. *Anvīkshikī*, meaning the science of reasoning which is beneficial to one's soul, allays mental anxieties in adversity as well as in prosperity, but that adopted by the Buddhists, the Materialists and so forth, is useless and in fact dangerous, inasmuch as this may shake the faith of those who are not very intelligent. When the king learns the independent science of reasoning, he acquires proficiency in sending communications to envoys and so forth and avoids bringing ridicule upon himself. In the above extracts the author explains after Kauṭilya the respective role of the sciences in the development of the king's intellect and character. Vedic studies, the author says with a strong warning against their neglect by the king, give help in deciding doubtful points. While the study of Politics is sufficient for knowledge of the world, that of the other sciences is necessary for developing the intellect. Philosophy in particular (other than that of the heretics) is necessary for developing steadiness of mind and proficiency in diplomatic and other channels.

2. THE OFFICIALS. Justifying Manu's direction (VII 54) for the king's selection of seven or eight ministers, Medhātithi observes that this is a restrictive rule : a smaller number, he explains, tends to be of one mind and thence results one-sidedness of the king's counsel, while a large number leads to differences of counsel, and therefore this number alone should be selected. Requiring the ministers to be examined after Kauṭilya by the fourfold test of Virtue, Wealth, Desire and Fear, the author concludes by quoting a view (evidently meaning Kauṭilya's own)[3] that the above mode of testing is not proper, for it might actually deprive officials of their purity : therefore, concludes the author, some other chaste woman (than the Chief Queen) should be offered as the test, and some other person (than the King) should be presented as the subject of enmity. Counsel, says Viśvarūpa (on Yājñavalkya I 340), is the means of acquisition, preservation and increase of one's own and his enemy's kingdom, while the king's strength of enterprise (*utsāhaśakti*) as well as that of his material resources (*prabhāvaśakti*), depends upon his strength of counsel (*mantraśakti*) since the king can win success through the last alone even in the absence of the other two powers. The above extracts repeat or develop some familiar ideas of

Kauṭilya in relation to the king's officials. These are, firstly, the principle of constitution of the State-Council so as to avoid the double danger of one-sided and divergent counsel; secondly, that of the selection of ministers in accordance with the conventional *Arthaśāstra* tests along with the safeguard provided by Kauṭilya; thirdly and lastly, the conception of counsel as the foundation of political success at home and abroad, and that of the strength of counsel as the source of the two other constituents of the king's strength.

3. ADMINISTRATIVE ORGANISATION. The king's province (*vishaya*), says Medhātithi in his comment on one of Manu's introductory verses (VIII 2) relating to law and legal procedure, is that of inflicting punishment, while that of the Brāhmaṇas and others extends up to the decision (of the suit): again, while the duty of the king is motivated by the stability of the State, that of the others consists in benefiting others through the settlement of doubtful points. The king's seat of justice, we are told in a second extract (on Manu VIII 23), means the seat which is dominated by justice: when the king is seated on the throne, he relies chiefly on Wealth (*artha*) even to the neglect of Virtue (*dharma*) in the interest of the stability of the State alone, but in the matter of deciding suits he should have recourse principally to Virtue (*dharma*). The people being swayed by the passions of hatred, envy and so forth, Medhātithi tells us in a third extract (on Manu VIII 1), and being thereby led to evil ways they are afflicted with 'invisible evils', and thence follows the ruin of the State, the existence of the State depending upon the prosperity of the people: when suits and so forth are decided in accordance with the canonical rules, the people through fear do not adopt a contrary behaviour, and are thus protected against both kinds of evils: again, since the king has no other lawful means of livelihood than fines and so forth, the State would decline with the stoppage of his means of subsistence: therefore the investigation of suits (by the king) is necessary for the stability of the State.

The above passages involve a number of original principles bearing upon the king's administration. In so far as the judicial branch of this administration is concerned, the author in the first extract declares the functions of the king and his assistants in the trial of criminal suits to be in effect those of judge and jury respectively, while he holds their respective objectives to be the interest of the State and the principles of justice. The proper administration of justice, we are further told, is the means of ensuring the prosperity of the people and the stability of the State in the sense that it saves the ruled from evil and provides the ruler with his lawful subsistence. As between the executive and judicial branches of the administration, the former, it is further observed, is dominated by the objective of State interest subordinating ethics to material gain in contrast with the latter which is ruled chiefly by ethical ideas.

POLICIES OF GOVERNMENT

Medhātithi's discussions of governmental policies are important as illustrating his view of the objectives of foreign policy as well as the policy

of a conqueror towards the conquered country. Among the six types of foreign policy (*guṇas*), Medhātithi says in one place (on Manu VII 160), the king shall select that by means of which he thinks he can build fortifications, capture elephants, work mines, start trade-routes, clear lac-forests, raise embankments around fields in a region not favoured by rain and so forth. When the king, we are told in a second extract (on Manu VII 202), even after bestowing favours upon the conquered people (as stated in Manu VII 201), finds that such and such a man would be acceptable to the people, and that he cannot establish his own rule, he should then set up that person as king : the conqueror should make a treaty with him as well as his assembled subjects and ministers on such terms as those binding him to share his income equally with the conqueror, to consult himself on all affairs and to attend personally with his troops as well as his revenues on proper occasions : the king, concludes the author (on Manu VII 212), should not hastily give up the conquered territory, but he should give up that which the constituents of the enemy's kingdom would be likely to snatch away from him : when the king feels that he should not sacrifice his ally or revenue or army over-much, he should evacuate even a territory which is very desirable.

The discussions of governmental policies by Yājñavalkya's commentators help us to understand the attitude of these authors towards war and territorial annexation. Introducing Yājñavalkya I 319 (which mentions the king's gift of the spoils of war to the Brāhmaṇas as one of his twofold highest duty), Viśvarūpa says that this is stated as an exception to the general rule forbidding robbery of another's property. Similarly, he introduces Yājñavalkya I 320 (which promises the reward of heaven to those who are killed in battle while fighting without thought of retreat for the sake of land) by observing that this is intended to meet the objection involved in the double ban against engaging in a dangerous occupation and in injuring creatures : the objective of land, he further explains, includes by implication that of the army, revenue and so forth. These ideas are repeated in the author's comment upon Yājñavalkya I 338, which promises the king bringing an enemy's kingdom under his control as much merit as he gains by protecting his own kingdom. According to the *prima facie* view of an imaginary opponent, 'one ignorant of other duties', we are told, the great blame imposed by Yājñavalkya in the preceding verse (I 337) upon the oppressor of one's own kingdom applies likewise to the oppression of the enemy's kingdom. To the above Viśvarūpa replies that Yājñavalkya's text is itself intended to prove this to be the righteous course and to remove from it any apprehension of blame. The king, Viśvarūpa adds, must maintain intact (as stated in Yājñavalkya I 339) the laws and customs of the conquered country, provided these are not contrary to the law (*dharma*). Vijñāneśvara, similarly, introduces Yājñavalkya's text (which promises the reward of heaven to warriors fighting for land) by saying that this is an answer to the argument that he who engages in fighting for gain is likely to incur danger and wins neither spiritual merit nor wealth, and therefore it is desirable to

avoid the same. Again, while explaining the text which charges the king to bring the enemy's kingdom under control, Vijñāneśvara observes that the king thereby wins not only the entire merit attending the protection of his own subjects, but also one-sixth of the merit (of the conquered subjects ?), and that he must maintain the customs provided they are not contrary to the canon. Similarly, Aparārka commenting on the text which mentions the king's gift of the spoils of war to the Brāhmaṇas as one of his two highest duties, says that the king should wage war for accomplishing his twofold high duty (as stated in the text). Yājñavalkya's extract promising the reward of heaven to warriors fighting for land removes, according to the same author, the apprehension about their winning this or that world by that act.

The above extracts are important for several reasons. In the first place Medhātithi, repeating the view of Kauṭilya, declares the great objective of foreign policy to comprise a king's fulfilment of a comprehensive programme of development of his country's economic and military resources. Secondly, Medhātithi, laying down a double line of policy for a conqueror in respect of his conquered territory, advises the conclusion of a subsidiary alliance with a prince of the fallen dynasty when annexation is not possible, and abandonment of the conquered territory when its retention is possible only at heavy cost. Thirdly, Viśvarūpa, Vijñāneśvara and Aparārka, clarifying the ideas of Yājñavalkya, justify war with its attendant evils and dangers as well as territorial and other conquests by the distinctive moral standard of statecraft which is independent of ordinary ethical standards. Fourthly and lastly, Viśvarūpa and Vijñāneśvara, applying the *Smṛiti* principle of the binding authority of custom, impose upon the conqueror the obligation of respecting the customs of the conquered people, provided these are in agreement with the canon.

DOCTRINE OF THE TWO POWERS AND THEORIES OF BRAHMANICAL IMMUNITIES

The old *Smṛiti* ideas relating to the doctrine of the two powers and their mutual relations are clarified to some extent by the discussions of the commentators. While the Kshatriya, says Medhātithi (on Manu IX 327), was vested with authority for the purpose of protection of the people, the Brāhmaṇa was vested with authority over all because of his giving advice about expiatory rites and so forth, and because of his muttered prayers, sacrificial offerings and the like which produce rainfall in accordance with the saying that rain is derived from the Sun. In the above passage the author evidently seeks to derive the familiar doctrine of the two powers from the old Vedic dogma of Divine ordination of their respective functions with a definite twist for the superiority of the spiritual to the temporal power. The Kshatriya, we are told, was ordained for the government of men, and the Brāhmaṇa for their religious instruction as well as for performance of religious exercises creating (after the current beliefs) the climatic conditions of their food-supply.

Medhātithi's discussion of the advanced theories of Manu relating to the basis of Brahmanical immunities and privileges is marked by moderation and good sense. Manu's reference to the Brāhmaṇa as 'the lord of the whole creation', we are told (on Manu I 92–101), means that one must approach him with humility and must follow his command in spiritual matters : in the same context we read that the reference to the Brāhmaṇa's very birth as 'an incarnation of the law' in the original is added by the author lest one might be led to slight a Brāhmaṇa by mere birth. The argument that the Brāhmaṇa is 'the lord of all', says Medhātithi in a second extract (on Manu VIII 37) like the similar doctrine in Manu I 100, is a mere explanatory statement, and it is used to support the law exempting him, in contrast with others, from giving a share of his find of treasure-trove to the king. The warning to the king against provoking the Brāhmaṇa, we are told in a third extract (on Manu IX 321–2), means that his wealth must not be seized even in the king's distress nor should he be roused to anger by being despised and so forth : the reference to the Brāhmaṇa whether learned or not as 'a great deity' means that even the Brāhmaṇa by mere birth should not be despised, and that learning and so forth need not be taken into consideration in making gifts to him and so forth : the injunction to honour the Brāhmaṇas even when engaged in all sinful occupations means that when engaged in forbidden acts he should be awarded mild punishment in accordance with the canon, and not punished severely as in the case of other castes. In a fourth extract Medhātithi similarly comments on Manu XI 30–34 which asks the Brāhmaṇa to punish his enemies by his own strength which is mightier than that of the king. Manu's direction, we are told, while not conveying the injunction to practise malevolent rites condones their exercise for proper reasons, and while not forbidding the Brāhmaṇa to make complaints before the king it warns the king against censuring one engaged in performing those rites for such reasons : the Brāhmaṇa, notwithstanding the above injunction, should lay his complaints before the king, the occasions being defined in a quoted passage as molestation of one's wife by another and so forth : the direction not to use unpropitious and harsh words against a Brāhmaṇa means that when practising malevolent rites, he must not be threatened with punishment or verbally condemned : in the alternative, it means that the Brāhmaṇa must not be ill treated by other castes, since because of the potency of his Vedic learning he can himself punish others : the Brāhmaṇa, again, must not be despised as a weakling since he is endowed with all kinds of strength.

The theories of Brahmanical immunities and privileges in the thought of Yājñavalkya's commentators are much slighter in comparison with those of Medhātithi, but they breathe the same spirit. The Brāhmaṇas, explains Viśvarūpa (on Yājñavalkya I 199) are 'lords' (as mentioned in the original) because they give instructions in *dharma* and not otherwise : this pre-eminence belongs not to the Brāhmaṇa caste as such but to those devoted to Vedic study, because of their being the means of instructing the others.

Commenting on the same text Vijñāneśvara says that the Brăhmaṇas are the best among the Kshatriyas and so forth by virtue of their birth and occupation, while Aparārka paraphrasing Yājñavalkya I 198 (which states the divine purpose of the Brāhmaṇa's creation) observes that the Brāhmaṇas are the best as they were created for a special purpose and because they fulfil a need incapable of being served by others, namely, that of guarding the *Vedas* and so forth. Gautama's dictum declaring the king to be the master of all with the exception of the Brāhmaṇas, Vijñāneśvara observes elsewhere (on Yājñavalkya II 4), does not mean that the Brāhmaṇas are exempted from punishment, for it is stated as a mere eulogy: Gautama's further statement claiming for the Brāhmaṇas a list of sixfold immunities, the author continues, applies not to any Brāhmaṇa but to one who is very learned (*bahuśruta*) after that author's own definition of that term.

The above extracts indicate a general tendency to tone down the exaggerated theories of Brahmanical immunities and privileges in Manu and Yājñavalkya and even in Gautama so as to bring them within specified limits. Explaining away Manu's references, Medhātithi holds that Brāhmaṇas are merely entitled to a fourfold privilege (namely, that of religious instruction, that of receiving honour in spite of lack of learning and character, that of a full share of their find of the treasure-trove, and that of receiving gifts irrespectively of their qualifications), and a threefold immunity (namely, the immunity of their property and, comparatively speaking, of their person, and their immunity from censure and from punishment for practising malevolent rites on proper occasions). The Brāhmaṇa's pre-eminence, explains Viśvarūpa, is based upon his function of religious instruction and is as such strictly dependent upon his Vedic learning. According to Vijñāneśvara's explanation and still more that of Aparārka, the Brāhmaṇa's pre-eminence is based upon his birth and occupation, the latter meaning his divinely ordained function of preserving the canon. The Brāhmaṇa's immunity of person, adds Vijñāneśvara, is not absolute, but is limited by his learning and character.

We shall conclude this section with some reference to the discussions of the old *Smṛiti* problem of the immunity of the Brāhmaṇa desperado (*ātatāyī*) by our authors. Commenting on Manu's text (VIII 350) which sanctions killing without hesitation a desperado, be he a preceptor or a learned Brāhmaṇa, Medhātithi says that the reference to the preceptor and so forth is a mere explanatory statement (*arthavāda*). Such persons, he adds on the authority of a verse (IV 162) of Manu, should not be killed even though they stood in the position of a desperado. Even the argument, Medhātithi continues, that Manu VIII 351 (which declares killing a desperado to be free from blame) conveys a general sanction, is not correct. For this text does not contain an injunction (*vidhi*) and is best understood as a declaratory supplement to the injunction given above. Medhātithi concludes by quoting without comment the contrary view of his teacher. Although the injunction contained in Manu VIII 350, says this view, is confined to the permission to

kill an *ātatāyī*, still it has to be understood as sanctioning the killing of a preceptor and so forth. This is based on the argument that the nature of the evil-doer is different from that of the desperado, the former meaning one who inflicts slight injury upon another but does not harm his whole body, and the latter signifying one guilty of a number of offences specified in a quoted text.

The problem of immunity of the Brāhmaṇa desperado is discussed by Viśvarūpa and Vijñāneśvara by way of illustration of Yājñavalkya's dictum (II 21) declaring the authority of *Dharmaśāstra* to be superior to that of *Arthaśāstra*. It may be held, says Viśvarūpa, that *Arthaśāstra* in its section on law (*vyavahāra*) contains the clause (Manu VIII 351) that the slayer of a desperado incurs no blame, while the *Dharmaśāstra* in its section on penance has another clause (Manu XI 89) denying expiation for the intentional murder of a Brāhmaṇa, and therefore in accordance with Yājñavalkya's dictum killing a desperado is an act of blame. This view, however, says the author somewhat vaguely and indefinitely, is not altogether satisfactory. The point is more fully treated by Vijñāneśvara. According to the wrong illustration of Yājñavalkya's dictum, we are told, Manu's verse (VIII 350–51) sanctioning killing even a Brāhmaṇa and so forth in the position of a desperado, and Vaśishṭha's text (III 17) which exempts the slayer even of one learned in the *Vedānta* but occupying the position of a desperado, represent the *Arthaśāstra*, while the verse of Manu (XI 89) which denies expiation for intentional murder of a Brāhmaṇa represents *Dharmaśāstra*, and it is proper that in the event of conflict between these two groups of texts the latter should prevail. Criticising the above interpretation, the author argues that the question of relative strength or otherwise of the two separate groups of texts above quoted does not arise, as they do not deal with the same subject-matter and as such there is no conflict between them. After some further discussion, the author concludes that when one happens to injure Brāhmaṇa and other desperadoes accidentally in trying to resist them in self-defence without intent to kill, he is liable to a slight penance but not to punishment by the king. Passing finally to Aparārka, we find him discussing the above question in his comment on Yājñavalkya III 227 (which includes the slayer of a Brāhmaṇa in a list of persons guilty of Mortal Sins). Here the author, after quoting a number of texts permitting the killing of a Brāhmaṇa desperado, observes that while this permission is valid when one cannot prevent the desperado's setting fire to houses and so forth without killing him, it is certainly an offence when one can prevent this by merely striking the offender and such other means. In particular, says the author after a text of Sumantu, when a man can save himself by striking a Brāhmaṇa without killing him, he would certainly be guilty of Brāhmaṇa-murder by killing his assailant. In the above passages the authors, following the old *Smṛiti* precedent, discuss the problem of immunity of the Brāhmaṇa desperado in the light of two conflicting principles. These are, firstly, the principle of complete immunity of the Brāhmaṇa's person, and

secondly, that of the individual's right to self-preservation even at the cost of killing his assailant. The attitude of our authors on this question is remarkably diverse. For, in the first place, the unnamed teacher of Medhātithi supports the individual's right to kill the Brāhmaṇa desperado practically on the ground that the seriousness of the crime in comparison with ordinary offences nullifies the Brāhmaṇa's immunity. By contrast Medhātithi rejects this right altogether by explaining away Manu's text in its support, while Vijñāneśvara and Aparārka give it a qualified approval by confining its scope to acts short of killing the assailant.

(B) THE *SMṚITI* DIGEST OF LAKSHMĪDHARA

It will be seen from the foregoing pages that boldness and originality of thought are by no means wanting in the political ideas of the great *Smṛiti* commentators of this period. Such however, is not the case with the author of the next work to which we now turn. This is the *Kṛityakalpataru*, the great *Smṛiti* digest which has come down to us from the pen of Lakshmīdhara, minister of Govindachandra, King of Kanauj (reigned *c.* A.D. 1114-56). This work consists of sections (*kāṇḍas*) dealing with different branches of the vast *Smṛiti* law. We are here specially concerned with the section called *Rājadharmakāṇḍa* which relates to *rājadharma* ('the duties of kings'). Like the other sections of the Digest this section consists of long strings of quotations of the authoritative (especially *Smṛiti* and *Purāṇa*) texts, the author adding his own short paraphrases from time to time.[4]

The plan of the *Rājadharmakāṇḍa* is of some interest as illustrating the leading aspects of the author's political ideas. Of its twenty-one chapters the first ten deal with the constituents of the State-structure in the following order: the king, the officials, the urban and the rural areas, the revenue, the army and the ally. The author's order of enumeration and to a certain extent the comparative size of the chapters concerned reflect his acceptance of Kauṭilya's and Manu's view of the relative importance of the seven constituents. In the next four chapters (XI–XIV) the author deals successively with the policy of security against princes, State-counsel, the six types of foreign policy, the policy of attack, and the duties of the consecrated king. These evidently correspond to the traditional topics of the theory as well as principles and policies of government. In the remaining seven chapters (XV–XXI) the author describes seven ceremonies of State-ritual after the *Purāṇas*, of which the significance will be indicated by us at the end of this chapter.

As regards the theory of kingship, the author quotes in the first place (pp. 2-8) *Smṛiti* texts from the *Manu-Smṛiti* downwards relating to the Divine creation of the king and the parity of the king's functions with those of multiple deities, as well as a *Rāmāyaṇa* text on the evils of a kingless country. This is accompanied by quotations of passages inculcating the subjects' duty of honouring and obeying their ruler. The author takes this occasion to quote Manu's text declaring the king's coercive authority

(*daṇḍa*) to be the foremost political principle and identifying it with law, and further, finding in the king's mode of its application the key to the weal or woe of the people. In the second place the author (pp. 83-6) quotes the *Smṛiti* passages enjoining the king's obligation of protection by moral and spiritual sanctions, but he is significantly silent about other texts justifying the subjects' resistance in varying degrees against a worthless or an evil ruler. We can conclude from the above that the author accepted the triple basis of the king's authority laid down in the *Smṛitis* (namely, that derived from his origin as well as his office and functions), and the resulting principle of the duty of the subjects towards their ruler. The author, again, believes in the principle of *daṇḍa* after Manu's standards. Along with the above he repeats in general terms the *Smṛiti* view of the king's complementary duty of protection, though not that of the subjects' right to resist the bad ruler.

As regards the theory of government, the author (pp. 101-10) in the first place quotes the texts relating to the king's training in the four sciences and his complete self-mastery. Other quotations refer chiefly to the characteristics of good and bad counsel and the methods of ensuring its secrecy, as well as the qualifications of the king's ministers. These quotations reflect the author's belief in the traditional views of the king's qualifications, the requisites of good counsel and the methods of selection of the ministers.

In the branch of principles of government we find our author (pp. 19 f., 79 f., 150 f., 167 f.) quoting a large number of *Smṛiti* texts dealing with the king's behaviour towards his subjects. These extracts embody the familiar *Smṛiti* principles regarding the king's complete identification of his interests with those of his subjects and his paternal rule over them, his protection of the weak and the learned, and his relief of the poor and the friendless. In the branch of governmental principles the author (p. 111 f.) quotes the texts relating to the constituents of the State-system, the six types of foreign policy and their sub-types, as well as the four (or seven) political expedients along with the principles of their application. Dealing separately with the policy of attack, the author (p. 115 f.) quotes the passages describing the political and the military factors involved in the same. In so far as the author's attitude towards war is concerned, he faithfully reproduces the twofold tendency which we have traced elsewhere to the *Smṛitis* from Manu and Yājñavalkya downwards: on the one hand he quotes (p. 126 f.) the texts evidently inspired by one aspect of the *Arthaśāstra* tradition, which advocates war in the last resort on the failure of all other expedients: on the other hand he cites (p. 131 f.) other texts influenced by the old *Smṛiti* tradition which enjoin upon the king the duty of fighting in certain circumstances. The author likewise mechanically repeats (pp. 125, 138-9) the texts advocating conquest of the enemy's kingdom as well as those recommending the installation of a prince of the conquered dynasty by the conqueror.

We have to notice in conclusion an aspect of our author's thought which is derived from the contemporary *Purāṇas*, namely, a strong tendency to emphasize the influence of ritualism upon Politics. The author extensively quotes (pp. 9 f., 178 f.) the *Purāṇa* texts relating to the king's consecration and the performance of rites in honour of various Purāṇic deities as well as those involving the ceremonial liberation of cows by the king and his pouring of a liquid through the bottom of a vessel hung above the firepit.

CHAPTER TWENTY-THREE

NOTES

[1] Technical terms as well as doctrines of *mīmāṁsā* in a version closely similar to that of the extant classical work of Jaimini are found in Āpastamba's *Dharmasūtra*, while Vaśishṭha and Baudhāyana mention knowledge of *mīmāṁsā* among the qualifications of the members of the legal assembly (*parishat*) deciding disputed questions of law: the metrical *Smṛitis* of Yājñavalkya, Nārada, Bṛihaspati and so forth also contain rules of interpretation of a general character (P. V. Kane, *History of Dharmaśāstra*, vol. I, pp. 41-2). On the application of the *mīmāṁsā* rules by Medhātithi and Vijñāneśvara, *vide* Kane, op. cit., pp. 271, 288-9. For a systematic study of the subject, the work entitled *The Mīmāṁsā Rules of Interpretation as applied to Hindu Law* by Kisori Lal Sarkar (Calcutta 1909, especially *Lectures* VIII-IX) is still useful. An exhaustive list of commentaries on the *Manusmṛiti* and the *Yājñavalkyasmṛiti* is given by Kane, op. cit., vol. I, App. A, s.v. *Manusmṛiti* and *Yājñavalkyasmṛiti*.

[2] Quoted from P. V. Kane, op. cit., vol. III, p. 867.

[3] *Vide* p. 123, above.

[4] On the life and works of Lakshmīdhara see Kane, op. cit., vol. I, pp. 315-18; K. V. Rangaswami Aiyangar, ed. *Dānakāṇḍa*, Introduction, pp. 8-15, etc. The work has been published in successive volumes in the Gaekwad Oriental Series under the editorship of K. V. Rangaswami Aiyangar. The *Rājadharma-kāṇḍa*, as its editor points out (Introd. p. 14), confines its quotations to the *Dharmaśāstra* works alone to the exclusion of the *Arthaśāstra*. But his further contention that it is the only work of its kind which strictly follows the old distinction between *dharma* and *nīti* is contradicted by the fact that Anantadeva in his *Rājadharmakaustubha* does not quote any *nītiśāstra* work at all, while Mitramiśra in his *Rājanītiprakāśa* quotes Kāmandaka only once (p. 30). The editor's further statement that the *Kṛityakalpataru* is virtually the only Digest composed for a powerful and independent Hindu king ignores the evidence of the *Sarasvatīvilāsa* of Pratāparudra, not to speak of Mādhava's commentary on Parāśara which is really a Digest though in outward form a commentary.

CHAPTER XXIV

THE LITERATURE OF THE *PURĀṆAS*—II THE LATE *MAHĀPURĀṆAS* AND THE PRINCIPAL *UPAPURĀṆAS*

ORIGIN OF SOCIAL AND POLITICAL INSTITUTIONS

THE ideas of the origin of social and political institutions in the late *Purāṇas* are very slight in comparison with those of the early works of this class. Out of Brahmā's mouths, says *Garuḍa Purāṇa* (I 4. 35), were issued the *Ṛigveda* and other *Vedas*; out of His mouth were born the Brāhmaṇas, out of His two arms the Kshatriyas, out of His two thighs the Vaiśyas and out of His feet the Śūdras. Brahmā, says *Bhavishya Purāṇa* (I 2. 120–24), created the four castes out of His mouth, arms, thighs and feet respectively for the purpose of protecting the whole creation, and He likewise assigned the respective duties of these classes: the occupations (*karma*) of these classes, we are further told (ibid. quoted in *Kṛityaratnākara*, p. 13), were divided among them in accordance with the qualities of their nature and their function. The people in the first creation-period, says *Kūrma Purāṇa* (I 2. 25–36) after mentioning the creation of the four castes by Brahmā through different limbs of His body, were pure-minded and observant of their duties, and thereafter when they were overcome by envy and other vices, their occupations were fixed by Brahmā, while their duties were proclaimed by Svāyambhuva Manu. The foregoing passages give expression to a progressively complex version of the old Vedic dogma of the origin of the social order. The complete versions in the last two extracts involve the theory of Divine creation of the four castes and the divine (or semi-divine) ordination of their functions in the light of their respective natures, or else because of their lapse into sin.

IDEAS OF LAW (*DHARMA*)

OF THE SOCIAL ORDER

The ideas of the law of the social order in the late *Purāṇas*, while based essentially on the *Smṛiti* tradition, indicate some important developments. As regards the sources of this law *Matsya Purāṇa* (III 3–4) says that Brahmā first 'remembered' the *Purāṇa* among all the canonical works (*śāstra*), and thereafter 'issued' the *Vedas* from His mouths. At the beginning of the successive creation-periods, we are told elsewhere (ibid., quoted in Mādhava's commentary on *Parāśara Smṛiti*, I 113), the Omniscient Lord manifested, but did not create the *Veda*: He bestowed the entire *Veda* upon Brahmā who was His own creation, and Brahmā in His turn directed Vishṇu in the form of the sage Vyāsa to arrange the *Vedas*. When one fails to perform duties enjoined in the *Vedas*, observes *Garuḍa Purāṇa* (I 217. 2–4), one

should perform those laid down in the *Smṛiti*, and failing to perform even these one should follow good custom. As for the old *Smṛiti* doctrine of *yugadharma*, *Bhavishya Purāṇa* (I 2. 118–19) after stating that the duties are different in the four Age-cycles explains that austerities, knowledge, sacrifices and gifts are the chief duties (*dharma*) for the *Kṛita*, *Tretā*, *Dvāpara* and *Kali* Ages respectively. *Dharma* which existed in the *Kṛita* Age and was established in the *Tretā*, we are told in other passages (*Liñga Purāṇa*, I 39.70 ; *Kūrma Purāṇa*, I 28.57), suffered confusion in the *Dvāpara* Age, and was destroyed in the *Kali* Age. Above all our authors refer repeatedly to the practices forbidden in the *Kali* Age (*Kalivarjyas*). Shorter or longer lists of these practices are found in *Nāradīya Purāṇa* (I 24. 13–16), *Brahma Purāṇa* (quoted in Aparārka's commentary on Yājñavalkya I, pp. 15, 63, 98), an unnamed authority (quoted in *Smṛitichandrikā* I, pp. 30–31), and above all in *Āditya Purāṇa* (quoted in full or in part in *Smṛitichandrikā*, I 29, Hemādri's *Chaturvargachintāmaṇi*, III 2, p. 666, Mādhava's commentary on *Parāśara Smṛiti* I, pp. 131–2). Justifying its view *Āditya Purāṇa* (quoted in Mādhava's commentary, loc. cit.) observes that the practices referred to were forbidden by the wise by means of conventions (*samayas*) for fear of destruction of *dharma*, since good men are wanting in the *Kali* Age. We have stated elsewhere (above, p. 309) how, according to the authority quoted in *Smṛitichandrikā*, loc. cit., the above-named practices were forbidden at the beginning of the *Kali* Age by high-souled wise men by means of conventions (*vyavasthās*) for the preservation of the people (*lokagupti*), the argument being, as we have observed before, that the conventions (*samayas*) of good men are authoritative like the *Vedas*.

In the above extracts the authors firstly repeat the late *Smṛiti* doctrine of divine manifestation of the canon at the beginning of each creation-cycle as well as those of different standards of the law (*dharma*) and of its diminishing *quantum* in the successive Age-cycles. These doctrines, as we have stated elsewhere (p. 308), involve three principles, namely, that of reconciliation of the dogma of immutability of the canon with the conception of periodical creation and dissolution of the universe, that of adjustment of *dharma* to the changing time-spirit, and that of decline of the sum total of *dharma* with the efflux of time. Secondly, the authors, developing the *Smṛiti* principle of adjustment of *dharma* to human capacities to its utmost limit, justify the individual in following good custom in preference to the *Smṛitis* and the *Smṛitis* in preference to the *Vedas*, according to their suitability for himself. Thirdly and lastly, the authors repeat the late *Smṛiti* doctrine of forbidden practices of the *Kali* Age, along with its supporting argument, namely that the conventions of good and wise men abrogating ancient practices in the interest of morality and public good have an almost canonical authority.

We may pause here to notice an interesting development of the ideas of the late *Purāṇas* about the authority of *Arthaśāstra* as the source of law. We have seen how *Arthaśāstra* is recognised in the *Smṛitis* from Yājñavalkya

downwards as a source of State law along with *Dharmaśāstra*. Nevertheless it is significant that Yājñavalkya (I 3) in his list of fourteen seats of learning (*vidyās*) as well as law (*dharma*) has no place for *Arthaśāstra*. Evidently the *Arthaśāstra* as such had no title to rank as the canonical authority. This omission is made good in a text of *Bhavishyat Purāṇa* quoted as stated above (p. 412) by Aparārka (on Yājñavalkya II 21). Here the author divides *Smṛitis* into five classes, namely, those dealing with 'visible' affairs, those concerned with 'invisible' affairs, those relating to 'visible' as well as 'invisible' affairs, those based on reasoning (*nyāya*), and lastly, the *Smṛitis* of the nature of explanatory references (*anuvāda-smṛitis*) which have been 'seen' by the cultured people (*śishṭa*) : excepting the first class, adds the author, all the rest are based on the *Vedas* : this first class, we are further told, comprises the application of the six forms of foreign policy (*guṇas*) and the four political expedients (*upāyas*), the posting of superintendents of departments (*adhyakshas*) and the detection of thorns (*kaṇṭakas*). In the above extract it is evident that the author, referring to the *Arthaśāstra* though not by name, concedes it a canonical status, though of a much lower order than the rest.

AUTHORITY AND OBLIGATION OF THE TEMPORAL RULER

The double principle of authority and obligation of the temporal ruler known to the *Smṛitis* from the earliest times is repeated in the late *Purāṇas*. The first group of extracts dealing with the king's authority relates to his origin. In the legends of origin of the social order told above we have seen how the Kshatriya is held to have been divinely created and endowed for the protection of the people. The king, observe *Matsya Purāṇa* (226. 1) and *Vishṇudharmottara Purāṇa* (II 71. 1), was created by the Self-existent One (Brahmā) by taking the particles of the gods so that he might inflict punishment (*daṇḍa*) for the protection of all creatures. *Bṛihaddharma Purāṇa* (III 3. 6–9), after stating that kings of unparalleled might assume five divine forms and that the gods wander about on earth in the form of a king, observes that Brahmā created the king's body by taking lordship from Indra, prowess from Fire, cruelty from Yama, good fortune from the Moon, riches from Kubera and goodness from Janārdana : one should know, adds the author, that the king is Indra and that there is no other Indra on this earth. *Vishnudharmottara* (II 71. 11–12), after giving a list of four powers of the king about which we shall speak later, observes that these are all derived from Vishṇu. For, as the author asks, who is able to rule his subjects without Vishṇu's lustre ? These powers, he further observes, belong to the king as he is the quintessence of all the gods. The king bearing on his person the essences of the gods, we are further told (II 2. 9), is born among men with the strength of Vishṇu's lustre so that he might protect the people. Another group of extracts deals with the significance of the king's functions. When no one, says *Matsya Purāṇa* (226. 3–12), can gaze on the king because of his lustre, he becomes, as it were, the Sun among men. When the people are gratified

with his sight, he becomes the Moon because of gladdening their eyes. The king adopts the behaviour of Yama when he treats his subjects in the way in which Yama deals with his friends and foes at the proper time. The king adopts Varuṇa's behaviour when he punishes sinners in the way in which they are bound with a noose by that deity. The king adopts the behaviour of Fire when, filled with might, he deals vigorously with wicked vassals. He assumes the behaviour of the Earth when he supports all creatures, just as is done by that deity. The king, we are further told by the author after Manu (IX 303–6), should adopt the energetic behaviour of the eight Regents of the Quarters. The third group of extracts refers to the significance of the king's office. *Garuḍa Purāṇa* (I 120. 25–7) includes a land without a king in a list of places where one should not live, while *Bṛihaddharma Purāṇa* (III 4. 33–4) compares a land without a king to a woman without a husband. A more complete account based upon the pattern of Manu and of Bhīshma in the *Mahābhārata* is found in *Vishṇudharmottara* (II 2. 2–11). Here the author, after declaring the foremost duty of the people to be the consecration of a king, justifies this in the first instance by drawing a lurid picture of the evils of a State of Nature without a king. A country without a king, we are told, is overpowered by robbers : in a kingless country there exist no lawful settlements, nor the duties of the castes and orders : in such a country girls are not given away (in lawful wedlock) and no one has the sense of mineness (*mamatva*) in his possessions : should the king not protect the people, no one would obey the preceptor, the three upper castes would not study the *Vedas*, the gods would not be offered sacrifices, there would arise drought and pestilence, and the world of gods and men would be disturbed. In the above extracts the authors repeat and develop the old *Smṛiti* theory of the king's authority based upon his origin, his functions and his office. The king, we are told, is by virtue of his Divine creation endowed with a divine or superhuman personality derived (as in Manu) from the physical or mental characteristics of multiple deities, or else (as in *Mahābhārata* XII 59) directly from the God Vishṇu. Secondly, we read that the king's ruling functions are equivalent to those of multiple deities so as to make him in a metaphorical sense the compound of them all. Thirdly and lastly, we are told that the king's office is the safeguard of individual security involving the protection of person and property and the stability of the social order based upon the fulfilment of individual obligations.

The above ideas of the king's authority are pressed into service in the late *Purāṇas* as in the *Smṛitis* to justify the subjects' duty towards their ruler. 'The chiefest duty' of the people, says *Vishṇudharmottara Purāṇa* (II 2. 2), is the consecration of the king. One should, we are told in the same context, first have a king, then his wife, and lastly, his possessions, and the chief men in the land should select carefully a righteous and truthful king, for those whose king is constantly devoted to virtue suffer from no fear in the world. The king is born, it is further observed, with the endowment of high spiritual merits, and (thus) the whole world obeys the command of one man.

The king, says *Bṛihaddharma Purāṇa* (III 3.7), should not be harmed or reviled or disregarded or abused, for the gods move about on earth in the form of kings. According to the same work (III 4. 1 ; ibid. 6. 1 and 56) propitiation of the king is included among the duties of the Vaiśya, while the act of seeing the king is mentioned among the householders' duties every day and especially on auspicious days. In the above extracts honouring the king and obeying his command are ranked among the fundamental duties of the subjects on the twofold ground of his office and origin. The virtuous king, we read, is the safeguard of public security as well as the foundation of the institutions of the family and property, while he is the visible embodiment of divinity and is as such endowed with superior merit.

The late *Purāṇa* ideas of the complementary principle of the king's obligation towards his subjects follow, though imperfectly, the older pattern. In the stories of origin of the social order told above, we have seen how protection is declared to be the divine purpose of the Kshatriya's (or the king's) creation. According to *Vishṇudharmottara Purāṇa* (II 4. 2) the king immediately after his selection by the chief men in the kingdom shall take the vow (*vrata*) that he would protect all who are righteous. *Garuḍa Purāṇa* (I 217. 10–21), in the course of an enumeration of the duties of the castes and the orders, observes that protection of creatures along with living by the use of weapons constitutes the duty of kings. Of a king whose subjects are not protected, says *Agni Purāṇa* (223. 9–10), the sacrifices and austerities are alike fruitless : the residence of one, we are further told, whose subjects are well protected is, as it were, heaven, while that of one whose subjects are not protected is hell : the king takes one-sixth of the good as well as evil deeds of his subjects. This extract is repeated with a slight change in *Vishṇudharmottara Purāṇa* (II 61. 24–5). The king's protection of his subjects, says *Bṛihaddharma Purāṇa* (III 3. 10–11) is equivalent to the performance of one thousand horse-sacrifices, and he who rules them according to the law wins one-sixth of their spiritual merit. In the above extracts the authors evidently repeat the old *Smṛiti* principles of the king's divine and ethico-religious obligation of protection together with its spiritual sanctions based upon the literal as well as constructive application of the law of *karma*.

In the branch of State law *Agni Purāṇa* (226. 63–4) mentions after the *Smṛiti* pattern a number of atrocious penalties for violation of the queen and miswriting the king's edict, and a milder penalty for mounting the king's conveyance and seat. On the other hand *Vishṇudharmottara Purāṇa* (II 61. 49–50) repeats the ancient *Smṛiti* clause requiring the king to restore stolen property to the owners of all castes. These passages evidently reflect the influence of the two mutually complementary principles of the authority and obligation of the temporal ruler.

The versions of the Veṇa-Pṛithu legend in the late *Purāṇas* throw some further light upon the authors' ideas of kingship, although these cannot be compared for depth with the early *Purāṇa* versions of the same. Veṇa, son

of Añga, says *Agni Purāṇa* (XVIII 11–15), being addicted to sin and neglecting to protect the subjects, was killed by the sages with blades of the sacrificial grass: when the sages 'churned' his right arm, there came out King Pṛithu who protected all his subjects, and who became the first of those kings that were consecrated by performance of the *Rājasūya* sacrifice. In a later passage (ibid. XIX 22–8) we are told how Brahmā, having consecrated Pṛithu as king, successively bestowed kingship upon others. Veṇa born in the lineage of Svāyambhuva Manu, says the version in *Matsya Purāṇa* (X 3–16), was addicted to sin and the people therefore became likewise sinful: when Veṇa refused permission to the great sages for performance of good works, he was killed by them with their curses: the sages for fear of anarchy 'churned' Veṇa's right arm, and thus produced Pṛithu, who on being consecrated by the Brāhmaṇas acquired by his severe austerities universal lordship through the boon of God Vishṇu. After consecrating Pṛithu to universal lordship, we are told in an earlier passage (ibid. VIII 2–12), Brahmā appointed kings over different orders of beings. When the Patriarch Añga, says the account in the *Bṛihaddharma Purāṇa* (III 13. 1–59), was driven to a forest-retreat by the wickedness of his son Veṇa, the sages finding the land to be without a king raised that son to the throne: Veṇa on becoming king prohibited by beat of drum the performance of sacrifices as well as making religious gifts and offering to the sacred fire. Thereupon the Brāhmaṇas, fearing the loss of *dharma* (law or righteousness) spoke their minds to him. When the king gives up *dharma*, they observed, nobody is afraid of him, and the people follow the king's example: when this takes place, there is no security of property or of family-rights: a land with an unrighteous king is like a land without a king, and there the Brāhmaṇas and Kshatriyas indulge in free sex-relations resulting in mixture of castes. When the tyrant in defiance of the protest produced a wholesale intermixture of castes, the sages killed him with their angry shouts, and they created Prithu, the first of kings, by 'churning' the tyrant's two arms: when this 'embodiment of God Vishṇu's soul' was born the world again attained security, and the duties (of the castes) were re-established. We may finally turn to the story in *Vishṇudharmottara Purāṇa* (I 108–9). Veṇa, being an atheist devoid of righteousness and the foremost of those devoted to materialistic doctrines, we are told, issued an impious rule to the effect that no sacrifices, were to be performed, no offerings were to be made to the sacred fire, and no religious gifts were to be made by the people: when the sages addressed their protest to him, he angrily denied the doctrines of rebirth and *karma*, and he proclaimed the worthlessness of religious offerings: the Brāhmaṇas having decided to kill the tyrant, Vishṇu at the prayer of the gods agreed to be born out of Veṇa's body and to assume a human form for the good of the world: Vishṇu accordingly was born in human form under the name of Pṛithu, when the angry Brāhmaṇas killed Veṇa and 'churned' his right arm: subsequently the gods and the sages as well as all rivers, seas, hills and sacred places joined in Pṛithu's consecration: Pṛithu was called

king (*rājā*), as he gratified his subjects who had been estranged by his father's tyranny.

The above versions of the legend of Pṛithu and Veṇa are narrated after the pattern of those of the early *Purāṇas*. They are given in other words in the context of genealogical accounts of the Patriarchs, or else of mythological stories relating to the origin of the mixture of castes, and that of the distinctive title (*pṛithivī*) of the Earth-goddess. Nevertheless we can glean from them the author's ideas regarding the principles of the authority and obligation of the temporal ruler. Thus in the first place we are told that fear of anarchy led the sages to raise an issue to Veṇa in the person of Pṛithu, or else to raise Veṇa himself to the throne. This repeats the older *Smṛiti* conception of the king's office as the safeguard of individual and collective security. In the second place, Pṛithu is expressly stated in almost all the versions to have been consecrated by Brahmā. Going further than this, *Matsya Purāṇa* declares him to have derived his authority from Vishṇu, while *Bṛihaddharma Purāṇa*, and still more *Vishṇudharmottara Purāṇa*, characterise him as a human incarnation of Vishṇu, and *Garuḍa Purāṇa* similarly states him to have been produced from the mind of that deity. This repeats Bhīshma's advanced conception of the king's divinity meaning that the king was created by Vishṇu and was endowed with the personality of that God in the process of his creation. In the third and the last place the act of the sages in killing Veṇa for his unrighteous rule involves the conception of limitation of the subjects' duty of obedience to their ruler. In particular, the sages' warning to the king against the disastrous consequences of his breach of *dharma* refers to the old principle of righteousness as the basis of the king's government.

Let us now turn to the theories of the coercive authority (*daṇḍa*) of the king in the late *Purāṇas*. Should *daṇḍa* be misdirected, says *Agni Purāṇa* (226. 14–15), it would destroy everything, and the king perishes by punishing those not deserving punishment and neglecting to punish the guilty : should *daṇḍa*, on the other hand, be not applied, the gods and demons, men and so forth would transgress their duties. When *daṇḍa* walks about fearlessly, observes *Matsya Purāṇa* (225. 9–18) after Manu (VII 25), the people do not fall into error provided he who directs it discerns well : should the king not apply *daṇḍa*, the infants and the aged, the sick and so forth, would be swallowed up in accordance with the maxim of the greater fishes devouring the smaller (*mātsyanyāya*), while the gods, the demons and so forth would transgress their duties : *daṇḍa*, the author sums up in the words of Manu (VII 18), is the universal ruler and protector, it is awake when others are asleep and it is identical with law (*dharma*). If *daṇḍa* did not exist, says *Bṛihaddharma Purāṇa* (III 3. 15–19) after Manu (VII 20–21), the wicked people would destroy men and beasts, the crows and so forth would eat the sacrificial offerings and cakes, the dogs would lick the sacrificial viands, the sense of property (*svāmya*) would be lost and the lower beings would usurp the place of the higher ones : in fact *daṇḍa* has been established in this world

for the security of the four castes and for subduing the wicked. It is those who inflict *daṇḍa*, says *Matsya Purāṇa* in continuation of the extract quoted above, that are honoured by the gods and not those who are the opposite : it is not Brahmā, Pūshan and similar gods, but Rudra, Agni, Indra and others who inflict *daṇḍa* that are honoured by men : wicked men are prevented from wrongdoing by fear of the king's *daṇḍa* while some are prevented by fear of Yama (god of death) and of each other, whence it follows that everything in this world rests upon *daṇḍa*. So also *Bṛihaddharma Purāṇa*, continuing the extract above quoted, observes that everything in this world is subdued by *daṇḍa* since good men are rarely found, and it is when men are frightened by fear of *daṇḍa* that they submit to authority, and hence the king's infliction of *daṇḍa* produces the same result as the performance of a penance. The foregoing extracts involve two principles based upon the pattern of Manu's and Bhīshma's thought. The authors, in the first place, explain the high function of *daṇḍa* in the context of three hypothetical cases relating to its proper application as well as its misapplication and non-application. From this we learn that *daṇḍa* is the grand safeguard of security of person and property of the people as well as of stability of the social order based upon fulfilment of individual obligations and division of classes. Secondly, according to the authors, *daṇḍa* is the supreme political principle and is identical with the law evidently as its necessary adjunct. This is justified by a familiar concept based upon the tendencies of human nature, namely, that fear of *daṇḍa* is the universal means of ensuring respect for authority and prevention of wrongdoing.

THEORIES OF STATE-STRUCTURE AND PRINCIPLES AND POLICIES OF GOVERNMENT

The ideas of State-structure in the late *Purāṇas* present few points of original interest. Referring to the category of the seven limbs of the State *Agni Purāṇa* (239. 1–2) declares them to be mutually helpful, while it takes the rural area (*rāshṭra*) to be the chief of them all. By contrast *Vishṇudharmottara Purāṇa* (II 61.17), using a metaphor, declares revenue (*kośa*) to be the root of the tree of the State. These passages repeat the *Arthaśāstra-Smṛiti* view of the State-structure involving the principle of integration of the constituent units along with the dominance of one unit (here identified with the State-territory or the revenue) over the rest. As regards the theory of government, *Agni Purāṇa* (238. 3–9), *Matsya Purāṇa* (215. 51–5) and *Vishṇudharmottara Purāṇa* (II 65.9) ask the king to practise self-discipline (*vinaya*), and especially to shun the traditional vices, to learn the four traditional sciences and so forth. The king with his head still wet with the water of consecration, we are further told (*Matsya Purāṇa* 218. 2–3, *Vishṇudharmottara Purāṇa* II 24. 1–3), should appoint assistants, for the kingdom rests upon them. Even a slight undertaking, it is argued in the words of Manu (VII 55), is hard of accomplishment by one single man without assistance: how much is it so for a kingdom which yields great revenues ?

In the above the authors repeat the *Arthaśāstra-Smṛiti* principle of intellectual and moral qualifications of the ruler as well as that of recruitment of the king's officials on the ground of impossibility of one-man rule (especially in governmental affairs). Finally, it has to be mentioned that *Agni Purāṇa* (225. 16–20), *Vishṇudharmottara Purāṇa* (II 65. 33–42) and *Matsya Purāṇa* (215. 47–8), inculcate after the older pattern the high importance of counsel and the methods of the king's consultation with his ministers.

The late *Purāṇas* reflect some principles of government after the best *Arthaśāstra-Smṛiti* tradition. Repeating a well-known metaphor *Garuḍa Purāṇa* (I 111.16) asks the king to protect his subjects like his own sons, while *Vishṇudharmottara Purāṇa* (II 65.49) admonishes him to behave like a father towards them. *Garuḍa Purāṇa* likewise (I 111. 2) asks the king to rule his kingdom in accordance with truth and justice: the author elsewhere (I 113. 13; ibid. 115.41) declares the king in a pair of gnomic sayings to be the ornament of the world and the strength of the weak. The king, says *Vishṇudharmottara Purāṇa* (II 61. 22–3) after a famous old simile (*Mahābhārata* XII 56. 44–6), should constantly act like a pregnant woman who gives up her own likes for those of the foetus in her womb. When the king is righteous, says *Vishṇudharmottara Purāṇa* (II 2. 12–16), the four castes observe their duties: those whose king is righteous do not suffer from pestilence or famine or the fear of fire and thieves or of wild animals. Should there be a bad king, the author sums up, where would be one's wife or property? In the above extracts the authors repeat the old familiar principles of the king's paternal treatment of his subjects and the complete merger of his interests with theirs. To this they add the principle that the king's righteousness is the guarantee of public security as well as of the stability of the social order.

The old categories and concepts of State-policy are treated by our authors with an almost pedantic thoroughness. It is possible to mention here only a few important points. *Agni Purāṇa* (226. 5–6; ibid. 224. 1), *Matsya Purāṇa* (222. 2) and *Vishṇudharmottara Purāṇa* (II 67. 3) enumerate a list of seven political expedients comprising indifference (*upekshā*) and deceit with and without incantations (*māyā* and *indrajāla*) in addition to the four primary items, namely, conciliation (*sāma*), bribery (*dāna*), dissension (*bheda*) and punishment (*daṇḍa*), and they proceed to deal with their application at great length. Making an interesting departure the authors divide punishment into two kinds, namely, that which applies to one's own kingdom, and that which is applicable to the enemy's kingdom. The former type applies to the branch of criminal law and the latter to the methods of frightfulness employed by a king in his war with a foreign enemy. The latter type is further subdivided (*Agni Purāṇa*, 234. 1–3 and *Vishṇudharmottara Purāṇa*, II 146. 2) into two kinds, namely, the open and the secret. Open *daṇḍa* comprises the act of plundering the enemy's kingdom, destroying his villages and crops, slaying his troops and (openly) setting fire, while secret *daṇḍa*

consists in the use of poison, setting fire (in secret), slaying by means of spies, poisoning fuel and water, and applying different kinds of chemical preparations. Referring to the old *Arthaśāstra* category of three powers, *Agni Purāṇa* (241. 1) says that the power of the king's counsel (*mantraśakti*) is superior to the other two powers, namely, the power of his prowess (*utsāhaśakti*) and that of his material resources (*prabhāvaśakti*). This is illustrated by the example of Bṛihaspati who overpowered Śukra notwithstanding the latter's possession of the other two powers. Increasing the list to four by the addition of divine power (*daivīśakti*) *Vishṇudharmottara Purāṇa* (II 71. 11) derives them all from Vishṇu, for, as it asks, who is able to protect the people without (the inspiration of) Vishṇu's lustre ? In the foregoing passages the authors in the first place give us a comprehensive list of the conventional types of political expedients classified under appropriate headings and sub-headings. Secondly, *Agni Purāṇa*, while repeating the old *Arthaśāstra* category of the three powers of the king, follows Kauṭilya's authority in giving the topmost place to the strength of the king's counsel. On the other hand, *Vishṇudharmottara Purāṇa* lending a dogmatic touch to the rationalistic *Arthaśāstra* conception not only adds divine power to the list of the three powers, but also derives the whole set from Divine inspiration.

Let us discuss in this connexion the late *Purāṇa* attitude towards morality in relation to statecraft. These authorities, as we have seen, include deceit with and without incantations in the list of recognised political expedients. Explaining the expedient of punishment, *Agni Purāṇa* and *Vishṇudharmottara Purāṇa*, moreover, fix the seal of their sanction upon the policy of plunder and destruction in all its forms against the enemy. On the other hand *Vishṇudharmottara Purāṇa* in a remarkable passage (II 145.20) makes out a strong case for a king's righteous behaviour towards an enemy. By becoming a righteous conqueror (*dharmavijayī*), we are told, the victor brings the world under his control, but if he were to be an unrighteous conqueror, the people would suffer affliction, and he could not enjoy prosperity for long : prosperity in this world and the next arises out of righteousness (*dharma*), and the conqueror who acquires dominion by righteousness enjoys it for long and goes to heaven after death. In the above it will be noticed that while the authors mostly condone the sacrifice of morals for political ends, another view upholds by moral and spiritual sanctions the application of righteousness to the king's foreign relations.

THEORY OF BRAHMANICAL IMMUNITIES

A short extract (III 2. 48–59) of *Bṛihaddharma Purāṇa* illustrates the author's theory of Brahmanical immunities. The Brāhmaṇa, we read, eats but his own food, wears but his own apparel and gives but his own : it is through his favour that the Kshatriyas and others eat their own food : the whole earth and the entire *dharma* belongs to the Brāhmaṇa. Manu the first king, we are further told, established the rule that the Brāhmaṇas are not

to be struck even with a flower, that the Brāhmaṇa is not to be visited with corporal punishment, and that he who injures the Brāhmaṇa is deprived of all felicity. In the above the author repeats Manu's doctrine of the Brāhmaṇa's universal ownership in support of the Brahmanical proprietory rights, while he introduces the fiction of a decree of the first Patriarch-king to justify the immunity of the Brāhmaṇa's person.

RITUALISM IN LATE *PURĀṆA* THOUGHT

We may notice in conclusion an aspect of the late *Purāṇa* political ideas, which though not strictly falling within the scope of this work is important not only as an indication of their incipient decline, but also as an anticipation of some dominant tendencies in the political thought of the late *Smṛiti* Digests. This consists in the incorporation under the head of *rājadharma* of a considerable body of priestly lore bearing upon the king's administration. It is true that Manu and Yājñavalkya as well as Bhīshma in the *Mahābhārata* enjoin upon the king the selection of a private chaplain and other officiating priests, but they are silent about the details of the religious rites to be performed by the priests on the king's behalf. A different attitude is indicated by the late *Purāṇas*. The king immediately after his selection, says *Vishṇudharmottara Purāṇa* (II 4. 3–23) significantly enough, should appoint an astrologer whom he should treat with filial reverence, and he should then select the minister and the domestic chaplain according to the direction of the astrologer : the king, similarly observes *Agni Purāṇa* (218. 3-4) at the beginning of its discourse on *rājadharma*, should appoint an astrologer and a domestic chaplain as well as qualified ministers. The above introduction is followed in the *Agni Purāṇa* (218. 4f–219) by an elaborate description of the ceremony of consecration to be performed by the king normally within a year after his accession. Similar accounts are found in *Brahma Purāṇa* (quoted in *Rājadharmakāṇḍa*, pp. 9–13 etc.), and above all in *Vishṇudharmottara Purāṇa* (II 18–22). Among the points dealt with by the authors are the auspicious time for coronation, the preliminary propitiatory rites in honour of Indra, the auspicious signs of the sacrificial fire, the prayers uttered during the ceremony and so forth. *Matsya Purāṇa* (Chapters 228–38) gives us an elaborate account of various propitiatory rites for averting evil omens from the king and his people. In the following chapter it describes a number of sacrifices to be performed by the king. The influence of these ideas is reflected in the author's rules (ibid. chapter 240) relating to marching against an enemy : for the king is required not only, as in the *Arthaśāstra*, to consider the military and political factors bearing upon the king's expedition, but also the omens attending the occasion.

CHAPTER XXV

THE WORKS OF CLASSICAL SANSKRIT LITERATURE—III THE LAST PHASE*

INTRODUCTORY

In the history of classical Sanskrit literature the period of transition from the Ancient to the Middle Ages of our history, forming the subject-matter of the present chapter, is generally regarded as an age of decadence. Nevertheless it is not wanting in a number of important works such as the vast collection of tales called the *Kathāsaritsāgara* ('Ocean of the rivers of stories') of the eleventh century Kashmirian writer Somadeva, and the encyclopedic work styled the *Mānasollāsa* ('The delight of the mind') attributed to King Someśvara III of the Western Chālukya dynasty of the Deccan in the following century. It will be our endeavour here to examine such political ideas as can be gleaned from these and other works.

AUTHORITY OF THE TEMPORAL RULER

We have an interesting reference to the old *Smṛiti* principle of the king's authority in an extract (CII 62–3) of the *Kathāsaritsāgara*. This is in the comment made by a king who was impressed by the submission to their chief of a crowd of forest-dwelling aborigines living almost an animal life. There is, he says, certainly nothing like kinglessness among people. Again he observes that the royal title was created by the gods for security against the fear of anarchy (*mātsyanyāya*, 'the maxim of the stronger fishes devouring the weaker'). This extract, besides referring to the popular notion of the universality of kingship, justifies this institution by the doctrine (reminiscent of Manu, Bhīshma and others) of the king's Divine creation for the purpose of protection against anarchy.

The old *Arthaśāstra-Smṛiti* theory of the coercive authority (*daṇḍa*) of the ruler is dealt with by the author of the *Mānasollāsa* in a short extract (II 1243–98) of his work. The king who punishes the innocent and fails to punish the guilty, we are told, incurs much misfortune and loss of reputation : no man, whether he be (the king's) sacrificial priest, domestic chaplain, son or brother or relative or friend, is immune from the king's punishment if he swerves from his duty. *Daṇḍa*, the author observes in a later passage, maintains the bounds of society, it is the incentive to virtue and preventive against sin ; the law of the jungle (*mātsyanyāya*) prevails in a country without *daṇḍa* ; the people like a mighty mad elephant controlled by the goad observe their duties through fear of *daṇḍa*. The author concludes with a strong warning against the severe application of *daṇḍa* and pleads for its

mild application. In the above extracts the author, besides enjoining upon the king the infliction of punishment after the traditional standards, repeats the familiar conception of its functions as the safeguard of the social and the political order, as well as the guarantee of fulfilment of individual obligations.

THEORIES AS WELL AS PRINCIPLES AND POLICIES OF GOVERNMENT

The literary works of this period contain a number of references to the old *Arthaśāstra-Smṛiti* theories of government. The *Kathāsaritsāgara* (XXXIV 118–213) contains a concise statement on royal policy (*rājanīti*) addressed to a Crown Prince by a minister at his request. The king, we read in the course of this statement, must win self-mastery by controlling his senses and by overcoming the vices of anger, pleasure and so forth, before he proceeds to overcome other folk. For how can one who has not gained self-mastery bring others under his control? The speaker next deals with the qualifications of the minister (*mantrī*), the king's domestic chaplain (*purohita*) and the officials (*amātyas*), the last being required to be tested by the allurements of fear (*bhaya*), greed (*lobha*), pleasure (*kāma*), and virtue (*dharma*). When the officials are engaged in mutual conversation, the king should find out whether their speech is in accordance with truth or inspired by envy, whether it is dictated by loyalty or by self-interest, and they should be favoured or punished accordingly. The king should deliberate with those who are loyal, learned and wise and apply his own understanding to their advice.

Secondly the author of the *Mānasollāsa* mentions at some length (Book I Chapters 1–20), under the caption of 'acquisition of the kingdom', the qualifications needed by the king for the purpose. In this list are comprised the negative virtues of abstention from theft, injury to others, unlawful sex-relations, unlawful food, jealousy, association with outcastes, anger and self-praise, as well as the positive virtues of charity, sweet speech, performance of sacrifices as well as pious and charitable works, divine worship, propitiation of cows, Brāhmaṇas, the Fathers and guests, devotion to the preceptor, the practices of austerities, bathing at holy places, maintenance of the poor, the friendless and the sick as well as relatives and servants, and lastly, the protection of those seeking refuge. Introducing his survey of the seven State-constituents, the author (in Book II Chapter 1) attributes to the ruler a list of nearly forty qualifications. Among these he singles out five qualifications (namely, truth, heroism, forbearance, charity and appreciation of merit) as essential. Dividing kings in another context (II 687–9) into grades in connexion with his analysis of the old *Arthaśāstra* category, the author says that the best king is one who is dependent upon himself, the intermediate king is one who depends both upon himself and his minister and the worst king is one who depends upon the minister. The master (*prabhu*), the author continues (II 695–6), is one who is himself competent for bestowal of favours and punishments, gifts and receipts, action and renunciation, imprisonment and release and whose command is uncontrolled.

We may quote in this connexion another extract (II 697–721) of the *Mānasollāsa* which deals with the characteristics of State counsel (*mantra*) with pointed reference to the opinions of Bṛihaspati, Śukra, Chāṇakya and others. The best counsel, the author thinks, should be without trouble in the end, continuous, productive of happiness, beneficial and quick (in its action) : counsel is disclosed in the company of many people, it is not lost in the company of two persons, and it cannot be disclosed even by the Creator when considered by one's own self : the king by constantly restraining his tongue and suppressing his outward signs should so behave that all his undertakings will be known from their results : in the interest of secrecy the king should exclude various creatures from his place of consultation. The king, we are further told, should consult the ministers severally on various matters of deliberation, and having weighed the merits and demerits of their advice, he should himself come to a decision and undertake his work : the king should undertake after deliberation that work which brings much gain, which can be accomplished easily, which is righteous and which increases his fame : on the other hand he should not deliberate on a matter which brings equal gain and loss, or great loss, or which cannot be carried out even with great effort : likewise he should not deliberate on a matter which is sinful, which is ruinous of one's fame, which brings trouble in the end, which is difficult to accomplish, and which is attended with great trouble.

In the third place, the *Hammīra-mahākāvya* (VIII 72–105) of the poet Nayachandra Sūri contains a lesson on ruling the kingdom (*rājyaśikshā*) purporting to have been addressed by King Jaitrasiṁha of Raṇastambhapura to his son Prince Hammīra, the hero of the poem, on the eve of his own retirement to a forest-hermitage. In the course of his address the speaker conveys a solemn warning and admonition relating to the king's conduct. Women and good fortune being equally transient, we are told in the first place, should not be trusted, since these, whether pleased or otherwise, plunge even good men into danger at every step. One should not forego modest behaviour towards the chief people on attaining sovereignty, for a man without modesty like fire destroys the whole family. One should perform works of a noble character after discrimination, for a man of judgement is approved by the world, and is not abandoned by the goddess of royalty. The king who is constantly devoted to good conduct is served even by the passionless sages. Warning the king against overlooking the faults of dependants who flourish by deceiving their master, the speaker next says that the king while doing good to his subjects like a mother should behave like a step-mother towards his officials, for the people cannot prosper or even live when entrusted by him to their care. The king should never elevate a mere dependant however well-born he might be, for a fool being allowed to grow like (the sprout of) a bo-tree brings down the edifice of the kingdom : a man who has been injured before should never be appointed to a high position, for such a man nursing his enmity in secret seeks to hurt again on a suitable

pretext : an intelligent man, it is explained on the analogy of the demon Rāhu oppressing the Sun and the Moon down to the present day, never gives up his enmity even at the end of an Age-cycle. Referring to the technique of counsel, the speaker warns the king by the analogy of water running out from an unbaked vessel, against entrusting the burden of government to new ministers in place of the old. A single minister, we are again told, and not a second, is good for State-construction : counsel, when it is adopted by many ministers, is not approved by the good, for the services of many nurses are good neither for the mother nor for the baby in the womb : the king should first deliberate in his own heart and then seek the approval of others.

In the above the authors refer in the first place to the *Arthaśāstra-Smṛiti* principle of the high qualifications for the king's office. The list comprises the quality of self-control (which is held to be the pre-requisite for government over men), along with other qualities (after the orthodox standards) and the quality of self-dependence. Secondly, the authors refer to the old *Arthaśāstra-Smṛiti* principles of proper recruitment and selection of the officials, of the requisites of good counsel and of the proper technique of the king's consultation with his ministers. In particular the king is required to keep a strict control over officials as a necessary preventive against oppression.

Let us now turn to our authors' ideas of the principles and policies of government. In the above-quoted extract (XXXIV 118–213) of the *Kathāsaritsāgara* containing a minister's instructions on royal policy to the Crown Prince, the speaker observes that the king should consolidate his position by uprooting the thorns, by acquiring the revenue and the army and so forth. He should then undertake foreign conquest after equipping himself with the three powers, namely, those of enterprise (*utsāha*), material resources (*prabhutva*) and counsel (*mantra*) and after considering (the respective strength of) his friends and enemies : the king should secure his well-being by the application of conciliation, dissension and other expedients, and he should then use the six types of foreign policy (*guṇa*) like peace, war and so forth : the king, further, is enjoined to be vigilant towards friends and enemies and warned against indulgence in vices and guidance by false ministers, while he is asked to win the affection of his subjects. Another extract in the *Kathāsaritsāgara* (CII 120–23) contains a minister's advice to a king after the opinion of those versed in policy. The Aggressor (*vijīgishu*), we read, should first of all realise the difference between what is and what is not practicable : the former can be accomplished by means of the four expedients, namely, conciliation, bribery, dissension and force of which each preceding one is superior to the following : the latter means what cannot be accomplished by means of the expedients, and it should never be attempted.

The second reference to the principles and policies of government occurs in a long extract (Book II Chapter 11–16) of the *Mānasollāsa* dealing with the old *Arthaśāstra* category of the six types of foreign policy. A king, he says,

should make peace (*sandhi*) when he cannot overcome his enemy by force or when the enemy is strong, or when he is unable to hit back at his powerful assailant : he should wage war when the enemy is inferior in the strength of his effort, his assistants, his capacity, his troops and his counsel : he should march against one whom an adverse fate has deprived of his revenue, one who is stricken down with disease, one whose mind is drawn towards vices, one who is attacked by an enemy, one who is without troops and revenue or is deserted by his friends : he should launch an attack after constant deliberation of the relevant time and place, the ally (at his side), the omens, and his own strength : a march should never be undertaken against a country struck down by drought, famine and pestilence. The intelligent king, we are next told, should adopt neutrality so long as his enemies being weakened by mutual conflict are going to ruin : when a king who is himself weak is being attacked by a powerful enemy and has no chance of success, he should take refuge with one giving him security. When a king is placed between two enemies, we are lastly told, he should verbally surrender himself (to both), and himself remaining imperceptible 'like the single eye of the crow', should adopt the dual policy. Along with the above, the author, quoting the authority of those versed in policy, divides the six types of foreign policy into various sub-types depending upon their terms, conditions and objectives : these comprise four kinds of peace, eight kinds of war, seven kinds of attack, ten kinds of neutrality, three kinds of the policy of seeking refuge and five kinds of the dual policy.

Let us next quote another discussion (Book II, verses 972–6; 978; 986; 1005–9; 1028; 1031; 1033; 1225–42) by the author of the *Mānasollāsa* relating to the parallel *Arthaśāstra* category of the four political expedients. Conciliation, he says, is the best as bringing success without injury to others and loss of substance, creating dissensions is middling as partaking of suspicion of those evil men who are thus divided from their master, bribery is an evil as involving present loss with success dependent upon destiny, and force is the worst as victory, the kingdom and life itself are brought into jeopardy by war. Conciliation should first be applied towards those who are high-born, grateful, kind-hearted and gọod, and who seek some advantage for themselves : the policy of dissension should be applied against those enemies who in the intoxication of their pride cannot be won over by conciliation : the king should apply the policy of bribery against those ministers who are disaffected against their master for various reasons and those who are the enemy's support in war and in counsel, as well as his own ministers and others who have no attachment for himself : what cannot be accomplished by means of dissension can be accomplished by bribery : when the king is strong, he should apply force against the enemy who cannot be reduced by means of the three expedients. Dividing the expedient of force into its sub-types, the speaker next observes that the king should apply its twelve varieties if he is strong and its three varieties if he is weak. These three varieties, the author explains, comprise

the application of poison, assassination, and the practice of black magic : the king may employ the enemy's disaffected high officials who have been won over by bribery for the purpose of administering poison in the articles used by the enemy-king as well as his ministers, generals, and officials as well as his crack elephants and horses : he may employ desperadoes to kill the enemy-king unawares when the latter is engaged in various diversions, in religious exercises and so forth : he may ruin his enemy in the approved Tāntric ways by performing various rites of black magic.

The third and the last reference to the principles and policies of government occurs in the extract of the *Hammīra-mahākāvya* which has been quoted above in part. Here the author, referring to the old *Arthaśāstra* category of the four expedients, observes that conciliation, bribery and dissension should at first be followed in the descending order like Virtue, Wealth and Desire, while like Salvation force should be applied wholeheartedly on the failure of the three other expedients. Quoting in this connexion the example of God Vishṇu overpowering the demon Bali principally through trickery, the speaker asks the king, however powerful he might be, not to wage war without recourse to trickery. The speaker further draws from the example of the Pāṇḍava brothers a warning against indulgence in gambling. In the branch of internal administration the king is advised, on the analogy of a man plucking flowers without hurting the plants, to raise revenue from his subjects without oppressing them : the king, again, is warned by the example of Duryodhana to avoid dissensions within the royal family at all costs : ' as rice-grains which are ground down do not sprout, so the kingdom being afflicted as in a pressing instrument by the oppression of the subjects and dissensions within the royal family never acquires strength.' In the sphere of inter-State relations the king is first warned against the danger of allowing his immediate neighbour to grow powerful on the analogy of a poisonous tree sown in the courtyard of a house bringing it into danger after a certain time. The speaker next refers to the general line of policy for application against the enemy. The man who though powerful, we are told, does not exhibit his strength, suffers constant defeat : a man having gained (material) strength should apply his mind with constant exertion towards the exhibition of prowess : for does not the lion by virtue of his prowess alone make himself the lord of animals, be they never so numerous ? Yet even prowess should not be applied without directing one's mind towards policy, for even the lion does not proceed to kill the elephant without taking recourse to trickery : when success is attainable by the application of the intellect alone, the policy of striking even with flowers is improper, for the god of love though fighting only with flowers was destroyed by Śiva : it is when prowess is accomplished with intellect that the kingdom constantly flourishes, for even the world was created not out of a single but out of a double principle : the Aggressor, though powerful, should undertake the policy of marching against one easy to conquer, for even the forest-fire enveloping all quarters does not succeed in burning down water :

the man of policy should honour even the enemy who has sought his protection : on the analogy of the moon rising again in the sky after being deprived of its rays by the sun the wise man should not leave his kingdom even after being defeated by his enemies, if he wishes to rise again.

The principles and policies of government laid down in the above extracts follow on the whole the traditional lines. Reference is made in the first place to the policy of adjustment of the conventional political expedients to various types and conditions of people so as to involve the application of the arts of conciliation in the first instance and force in the last resort. In the second place we are introduced to a well-thought-out policy of consolidation of internal administration (based upon equipment with the resources of finance and the army and the suppression of public enemies), and its aftermath of an aggressive policy abroad after proper preparation and forethought. Reference is made likewise to the selection of foreign policy on the broad principle of expediency with sufficient scope for using the arm of honourable as well as treacherous fighting against the enemy outside. Along with the above is mentioned the policy of avoiding oppression of the subjects and family dissension at home as well as that of vigilance as well as violence combined with trickery abroad.

SUPERNATURALISM AND RITUALISM OF STATECRAFT

We may notice in conclusion an aspect of the political ideas in the *Mānasollāsa* which its author shares with the late *Purāṇas*. This is concerned with his excessive reference to supernaturalism and ritualism of statecraft. In his description of the policy of attack in the Chapter (Book II Chapter 13) above quoted, the author deals at great length with such points as the auspicious constellations and days and the rites for propitiating the inauspicious ones as well as the favourable and the unfavourable omens (including those connected with the cries of dogs, jackals, house-lizards and crows).

* In this chapter unless otherwise stated, the references in Roman characters are to the chapters and those in Arabic characters are to the verses of the works concerned.

CHAPTER XXVI

THE WORKS OF JAINA LITERATURE— II THE POST-CANONICAL WORKS

INTRODUCTORY

The period extending from the ninth to the thirteenth century of the Christian era was marked by a vigorous outburst of literary activity on the part of the Jaina writers. During these centuries works in various branches of Jaina religious literature (such as the canonical commentaries, religious epics, *Purāṇas* and romances, edifying stories, hymns and didactic poems) as well as those belonging to the secular sciences (like philosophy, grammar, lexicography, poetics and so forth) were written by a host of authors of the Jaina faith, many of whom were men of high intellectual eminence. We are concerned in the present and the following chapters with three of these authors. In the ninth century A.D. Jinasena wrote, under the patronage of King Amoghavarsha of the Western Chālukya dynasty of the Deccan, the first and the major part of the work called the *Ādipurāṇa* forming part and parcel of the comprehensive *Trishashṭilakshmaṇa-Mahāpurāṇa* ('The Great *Purāṇa* of sixty-three excellent men'). In the tenth century Somadeva who belonged to a petty feudatory State in Western India under the suzerainty of the Western Chālukyas composed his religious romance called the *Yaśastilaka* as well as a work on polity known as *Nītivākyāmṛitam* ('The nectar of the sayings on polity'). In the eleventh century A.D. lived Hemachandra styled 'the Omniscient one of the Kali Age' for his proficiency in all branches of learning. Among the numerous works from his pen are included the *Trishashṭiśalākāpurushacharita* ('Lives of sixty-three famous men'), of which the first Book is known as the *Ādīśvaracharita* ('Life of the First King'), as well as a didactic poem called the *Yogaśāstra* and a concise work on polity known as *Laghvarhannīti* ('Abridgment of the science of Polity of the Blessed One'). During the same period lived Abhayadevasūri, the author of a commentary on the *Bhagavatī* and other works, and probably also Vinaya-vijayagaṇi who wrote the *Subodhikā* commentary on the *Kalpasūtras* of Bhadrabāhu. We shall endeavour to consider here the political ideas traceable in the works of general literature above mentioned, reserving our consideration of the technical works on polity for the following chapter.[1]

EVOLUTION OF MAN AND HIS SOCIAL AND POLITICAL INSTITUTIONS

A systematic account (based upon isolated references in the early Jaina canon) of the evolution of man and his institutions is presented before us

for the first time in the great ninth century work of Jinasena called the *Ādipurāṇa*. The author (III 14–213) starts in the first place with a general reference to the two great creation-cycles of retrograde evolution (*avasarpiṇī*) and progressive evolution (*utsarpiṇī*) which, as he observes, rotate one after another like the two successive lunar fortnights. Each of the cycles consists of six time-divisions, namely, 'Bliss-bliss' (*sushamā-sushamā*), 'Bliss' (*sushamā*), 'Bliss-sorrow' (*sushamā-duḥshamā*), 'Sorrow-bliss' (*duḥshamā-sushamā*), 'Sorrow' (*duḥshamā*) and 'Sorrow-sorrow' (*duḥshamā-duḥshamā*). Passing to his account of the successive time-divisions in the present *avasarpiṇī* cycle within 'this middle region' of '*Bharatakshetra*' (namely, '*Āryakshetra*' or Northern India), the author places therein the life-history of fourteen successive Patriarchs who began with Pratiśruti in the third time-division and ended with Nābhi of the Videha land. The fourteen Patriarchs, the author explains in a later passage, were called *Manu* as they knew (and taught) the people the means of their livelihood, *kulakara* as they taught the Āryas how to live together, *kuladhara* as they founded many families, and *yugādipurusha* as they dominated the Age-cycle. The two last and greatest successors of the line were Vṛishabha who was a *tīrthakara* as well as a *kulakara* and his son Bharata who was a World-ruler (*chakravarttī*) as well as *kuladhara*.

It is in the background of the above story of the succession of the Patriarchs that the author traces the history of the evolution of man and his institutions. Men and women in the first time-division, we are told, had fabulously long lives and perfect bodies, they led chaste lives, they enjoyed perfect happiness and they lived upon the products of the wish-giving trees (*kalpavṛiksha*). In the following time-divisions they underwent progressive decline to the accompaniment of changes in the celestial phenomena above them and the behaviour of the animal-world around them as well as in their own means of subsistence and physiological conditions. It was the act of successive Patriarchs blessed with superhuman attributes to adjust the people to their changing environment: when the wish-giving trees, we are told, declined in numbers and productiveness and the people quarelled among themselves about them, the fifth and the sixth Manus demarcated the trees for their benefit: again, when the wish-giving trees disappeared altogether and the people were driven to despair by pangs of hunger, the fourteenth Manu Nābhi taught them how to differentiate between esculent and poisonous trees and to distinguish other eatable plants, as well as the art of cooking their food. With the increased *tempo* in the fall of man, we are further told (III 214–16), the Patriarchs and their successors progressively increased the penalties for offences: the first five Patriarchs prescribed for offenders the punishment of crying 'alas' (*hā*) to which the next five added that of warning (*mā*) against repetition of the offence, and the last five that of crying shame (*dhik*): but as the men became very much prone to crimes Bharata prescribed for them imprisonment, death, and such other corporal penalties.

The role of Vṛishabha and his son Bharata in the development of the social and the political order of man is described by the author at great length in later extracts (III 241–5 ; XVI 130–92 ; 241–5 ; 250–54 ; XXXVIII 4–49). When the medicinal plants, we read, in course of time lost their strength and the self-ripening crops became scarce, the sorely afflicted people sought the protection of the Patriarch Nābhi who referred them to Vṛishabha. At the instance of Vṛishabha, who is distinguished with the epithets 'the Creator' (*srashṭā*), 'the Primeval author of creation' (*ādikartā*), 'the Primeval Man' (*ādipurusha*) and so forth, the god Indra planned regions, towns and villages and filled them with inhabitants. Since the world owing to the disappearance of the wish-giving trees had been turned into a land for performance of duties (*karmabhūmi*), Vṛishabha fixed the sixfold occupation of the people, namely, by the sword, by the pen, by agriculture, by trade, by learning, and by crafts. Then he created the three classes (*varṇas*) who were called Kshatriya, Vaiśya and Śūdra according as they lived by the protection of the people through the use of weapons, by agriculture, trade and pasturage of cattle, and by service of the two other classes respectively. These three classes followed their respective occupations without intermixture and they arranged their rules about marriage and so forth according to Vṛishabha's direction. When the people were thus fixed in their career of happiness, the gods quickly came down to consecrate Vṛishabha as the paramount ruler (*adhirāja*). Having thus become the paramount ruler in succession to Nābhi, Vṛishabha developed the institutions of social order. The Lord, we read, created the Kshatriyas by holding the weapons in His two arms, for they were ordained to protect the people with arms in their hands : He created the traders (*vaṇik*) by showing them through His thighs the way to travel, for they were meant to travel by land and water for their livelihood : He created the Śūdras out of His feet, for their occupation was to consist in serving the higher *varṇas*. Vṛishabha completed his work by fixing the rules about intermarriage of the *varṇas* in the proper (*anuloma*) order, and by prescribing their punishment by the king in the event of disregarding their respective occupations. Vṛishabha, we are further told, prescribed punishment for offences in a threefold manner, namely, by expressing grief (*hā*), by forbidding repetition of the offence (*mā*), and by crying shame (*dhikkāra*). This was justified by the progressive fall of man. The rule relating to punishment of the wicked and cherishing the good, we are told, did not exist before, as all men were then without blame.

The story of evolution of the social order is completed by the author in his account of creation of the order of Brāhmaṇas by Bharata, the son and successor of the Patriarch Vṛishabha. Bharata, we are told (XXXVIII 4–49), decided at the end of his career of world-conquest to give away his treasures at a sacrifice in honour of the Chief Jina. Wishing to select the foremost householders as the recipients of his gifts, he invited all the kings with their retinue to attend the festivities connected therewith : he discovered by a simple test those who were firm in their vows, and invested them with their

badge of distinction, the sacred thread : then he instructed them in accordance with a Jaina canonical work (namely, the *Śrutopāsaka-sūtra*) in a group of six duties : these comprised the worship of the Arhat (*ijyā*), (pure) livelihood (*vārttā*), charities (*datti*), (study and) meditation (*svādhyāya*), austerities (*tapas*), and taking religious vows (*saṁyama*) : with a view to strengthening the Brāhmaṇas in their purification by birth Bharata (XXXVIII 50–313 ; XXXIX 1–211 ; XL 1–220) instructed them in their duties. Thus having established the Brāhmaṇas of excellent vows in the Jaina doctrine, says the author in his concluding account (XL 222–3), Bharata 'the righteous conqueror' (*dharmavijayī*) and 'the crest-jewel of the Ikshvāku family' congratulated himself upon his own creation.

We have a variant of the above story of the origin of the social and the political order in Hemachandra's *Ādīśvaracharita*. Introducing the story the author refers (pp. 93–4) to 'the twelve-spoked wheel of time' with its two great divisicns called *avasarpiṇī* and *utsarpiṇī* cycles. The *avasarpiṇī* cycle has six spokes in a descending order of sequence namely, 'Pure Bliss' (*ekāntasushamā*), 'Bliss' (*sushamā*), 'Bliss-sorrow' (*sushamā-duḥshamā*), 'Sorrow-bliss' (*duḥshamā-sushamā*), 'Sorrow' (*duḥshamā*), 'Pure Sorrow' (*ekāntaduḥshamā*) and the *utsarpiṇī* cycle has the same six spokes in reverse. The author next shows (pp. 94–5) at some length how the succession of the six spokes in the *avasarpiṇī* cycle was attended with growing decline in the physique and longevity of men, in the sweetness of their food, and in the potency of various kinds of wish-giving trees (*kalpavṛiksha*). Now in the third period of *avasarpiṇī* there were born 'in the Southern part of Bharatakshetra in Jambudvīpa, in the middle part of the space between the Ganges and the Sindhu' (p. 93), the hero Vimalavāhana and his wife in the form of twins who became the ancestors of a line of chiefs born with their wives similarly as twins. Describing the origin of the institutions of property and government in their midst the author elsewhere (p. 97) observes that in consequence of the diminishing potency of the wish-giving trees, the twins developed the sense of ownership in them 'as in their own bodies' : when one of them approached a wish-giving tree considered as his own by another, it was a great insult to the one having the first claim to the ownership : this led the afflicted people to make Vimalavāhana their chief with ruling authority. In accordance with the principle of statecraft (*nīti*) 'recollected from previous births' he divided the wish-giving trees among them 'as an old man divides property among members of his family'. Vimalavāhana, we are further told, promulgated the penalty of *hākāra* for punishing any one who crossed the boundary from desire for another's wish-giving tree. This was enough at first to procure respect for property-rights. Because of his punishment with the words, 'Ha ! you did that wickedly', the twins did not exceed the boundaries, 'as waters do not exceed the bank of the ocean'. The continued moral decline of the people led to intensification of the penal law. In the time of the fourth descendant of Vimalavāhana, we read (p. 98), the penalty of *hākāra* was gradually disregarded by the twins, 'like the elephant-goad

by elephants whose internal ichor is appearing', and he therefore introduced the penalty of *mākāra* to cure them. He used the first penalty for a small offence, the second for a moderate offence and both for serious offences. In the time of the sixth descendant the twins gradually transgressed the *hākāra* penalty and *mākāra* penalty, 'as those afflicted by love transgress modesty and the bounds of good behaviour', and he therefore introduced the additional penalty of *dhikkāra* (p. 99). The seventh Patriarch called Nābhi at first ruled the twins in accordance with the three penalties, but great changes were made by him when the moral rot increased among the people to the accompaniment of falling off of their means of subsistence. Through the fault of time, we read (pp. 148–9), the efficacy of the wish-giving trees diminished 'like the splendour of torches at daybreak': along with this there appeared among the twins the passions of anger and so forth. Then the twins transgressed the three penalties, 'just as rogue-elephants disregard their threefold control'. In their distress they went to Ṛishabha, son of Nābhi, who advised them to have a king for punishing those transgressing the boundaries: they carried their prayer to Nābhi who advised them to make Ṛishabha their king: then the lord of the Eastern Quarter 'like a family priest' consecrated Ṛishabha as king, and the god Maghavan planned a city for him: the new king instituted the paraphernalia of civil and military administration consisting of the ministers, the police, the four divisions of the army, the four political expedients, the procedure for trying suits, the science of politics and the forms of punishment: he prescribed punishments varying according to the crimes, 'just as a doctor prescribes a medicine for the sick according to the disease'. the fear of punishment ensured complete immunity against crimes, for 'verily the law of punishment alone is a snake-charmer for the serpent of all crime' (pp. 150–55). Hand in hand with the creation of the complete political order went that of the social order: for not only did Ṛishabha create the first professions (namely, those of the potters, carpenters, painters, weavers and barbers), but he also divided the people into four classes, namely, the Ugras who were the guardsmen for inflicting cruel punishments, Bhogas who were the Lord's ministers and so forth, Rājanyas who were the Lord's companions, and the Kshatriyas who constituted all the rest (pp. 152–5).

Repeating the earlier authoritative accounts, the author describes in a later context (pp. 343–5) how the Brāhmaṇas were created by the Patriarch Bharata, son and successor of Ṛishabha. Bharata, we read, invited the laymen to take daily meals in his house, and thereafter to recite in his presence the formula against killing beings: when the cooks at his direction sought out those who were taking the five lesser vows and the seven disciplinary vows and presented them before the king, he drew on them three marks of his cowrie-jewel indicating right knowledge, right faith and right conduct: from their reciting the formula against non-killing every half-year, they became known as Māhanas: gradually the Māhanas became known as

Brāhmaṇas and bearing the three marks of the cowrie-jewel they reached the state of wearing the sacred thread.

We may quote here a slight and imperfect reference to Hemachandra's story of cosmic and human evolution explained above, that is found in the *Subodhikā* commentary of Vinayavijayagaṇi. This extract (ibid., pp. 147–8) purports to explain the application of the title 'the first king' to Ṛishabha in the original text. In course of time through the growth of excessive passion, we are told, the twins began to quarrel with one another : then the rule of punishment (*daṇḍanīti*) took the mild form of 'alas' (*hākāra*) for slight offences in the time of the Patriarch (*kulakara*) Vimalavāhana. In the times of later *kulakaras* it took additional and more severe forms for graver offences : approaching the Lord Nābhi the twins were told that the punishment of those who transgress the law (*nīti*) is all done by consecrated kings who are helped by their ministers and so forth, and they decided accordingly to have a king for themselves : at the direction of Nābhi they selected Ṛishabha as their king : the god Indra consecrated Ṛishabha after decking him with ornaments and the twins poured water on his feet : when the capital city was built by Vaiśramaṇa [*sic*] at Indra's orders, the Lord Ṛishabha established in his kingdom the four classes Ugra, Bhoga, Rājanya and Kshatriya, of which the first three represented the guardians, the preceptors and the boon-companions respectively. How Ṛishabha thereafter taught the twins the various occupations and arts of life is told in the following lines : but this does not concern us here.

Such are the two famous theories of the evolution of man and his institutions that are presented before us in their developed form in the Jaina post-canonical literature of this period. A common characteristic of these theories is that they are found in the background of the Jaina canonical theory of cosmic evolution in the context of its application to a definite space and time in the cosmic process. The first and the more complete version begins with an original State of Nature with wholly virtuous beings who lived in perfect happiness on nature's bounties. The rise of man's social and political institutions was the direct consequence of his growing difficulty in maintaining his subsistence and his lapse into sin. The account of the Jaina author, it will be observed, agrees so far with that of the Buddhist canonist quoted elsewhere. But thereafter their paths diverge completely. For the social and the political institutions, according to the Jaina author, arose not as in the Buddhist theory out of the processes of Social Contract and Governmental Pact respectively, but they were created by the act of Patriarchs seeking to adjust man to his changed environment. In this process the foundations of the institutions of property and government were laid by the older Patriarchs, while their completion was the work of Ṿṛishabha, the first paramount ruler, and Bharata, the first World-ruler. The author's story of the completion of the social institutions involves an interesting adaptation of the Brahmanical

dogma of social origins to the standards of the Jaina canon. It comprises firstly Vṛishabha's creation of three classes on the basis of their occupations, secondly his symbolic or actual creation of those classes for ordination of their functions, and lastly, Bharata's selection of the order of Brāhmaṇas for their fitness for the Jaina discipline.

In the second and the shorter version, we are told how the growing difficulty of man's means of subsistence and the resulting strife arising out of his new-born sense of ownership led the people to seek a chief who established the institution of property with its accompanying political sanctions. The inadequacy of these sanctions in spite of their intensification by the chief's descendants led the people to seek Ṛishabha as their king. It was this king who established the whole administrative machinery with further political sanctions. The last link in the chain of creation of the social order was provided by Bharata's selection of the class of Brāhmaṇas for qualification in Jaina discipline. Summing up the above, we may state that the above extracts involve (with varying degrees of completeness) the conception of creation of the social and the political institutions by a series of Supermen in response to man's growing decline from his original golden State of Nature.

RELATION OF POLITICS TO ETHICS

The Jaina view of the relation of Politics to Ethics during this period is reflected in an extract (Chapter XLII) of Jinasena's *Ādipurāṇa* to which we shall have to refer more than once in this chapter. The author describes at great length how the Patriarch Bharata instructed the assembled kings in Kshatriya behaviour (*kshātram vṛittam*). Bharata is stated to have declared that kings were ordained by the Creator and to have deduced therefrom their fivefold obligation. Explaining the second of these obligations, namely, that of understanding (*mati*) the speaker says that understanding here means the knowledge of things pertaining to this and the next world, and that it is preserved by giving up ignorance (*avidyā*) which is synonymous with false doctrine. Amplifying this dictum the speaker mentions the difference between the royal science (*rājavidyā*) (or more generally Politics) and the canon (*Dharmaśāstra*). Complete knowledge of the former, we read, fixes the mind on worldly objects, while that of the latter fixes it on both worlds: the teaching of Jina is the only means of crossing the ocean of existence and the Arhat is the only authority (*āpta*), and therefore the king should observe the Kshatriya's duty as approved by this authority and keep away his family from other doctrines enjoined by those who are not authorities. The king, the speaker sums up, should turn away his awakening mind from other doctrines (*digantara*) and fix it on the true doctrine (*sanmārga*) and thus preserve his understanding.

Turning to the king's third obligation relating to the preservation of the king's own self (*ātman*), the speaker explains this to refer to his security against danger in this world and in the next. While the former type of

security merely involves self-protection against the dangers from poison, the dagger and so forth, such as are well-known to intelligent people, the latter type is attained by means of the Sacred Law (*dharma*). This leads the speaker to explain in strong language the contrast between the doctrine (*dharma*) and sovereignty (*rājya*). *Dharma*, he says, guards the people against all danger, *dharma* bestows the desired objects, *dharma* confers happiness in this world and (spiritual) benefit in the next, and hence the king should encounter coming dangers with a single-minded devotion to *dharma*: for the sake of *rājya*, on the other hand, sons and brothers constantly make enmities, and therefore *rājya* is a great evil which should certainly be shunned by intelligent people: *rājya* causes great mental affliction and there is in it not the slightest trace of happiness, and therefore the wise should despise it as a harmful drug and take to austerities like a wholesome food: thus the wise man should from the first give up attachment for *rājya*: if he is unable to do so, he should at the end of his life abandon the appurtenances of *rājya* and fix his mind on giving up his body: when his end is near, he should repair to a holy place and apply himself to religious exercises, and then he should renounce his food, his *rājya* with all its appurtenances and his body.

The above extracts involve the conception of a strong antithesis between Politics and Ethics such as we find in the works of the Buddhist canonists, with this fundamental difference that Ethics in this case is completely identified with the Jaina doctrine and discipline. Politics, according to the speaker, ensures only the temporal bliss, while the canon secures both the temporal and the spiritual happiness: sovereignty, we are further told, produces constant and profound unhappiness in contrast with the teachings of the canon which lead to perfect and complete happiness. From the above the speaker draws two practical conclusions, one relating to the king's obligation of following the Jaina doctrine to the exclusion of the other doctrines, and the other to his practising non-attachment for sovereignty and sacrificing the same along with life itself at the end of his earthly career.

AUTHORITY AND OBLIGATION OF THE TEMPORAL RULER

The old principle of the king's authority is dealt with by the Jaina authors from early times. In a list of five classes of gods (*devas*) enumerated in the *Bhagavatī* (XII 9) and paraphrased by Abhayadeva Sūri in his commentary on the above, the second is held to be the lord of men (*naradeva*). This is explained to refer to those kings who are Emperors (*chakravarttī*) up to the four ends of the earth, who are possessors of the nine jewels, who are rich in revenue, who are attended by a retinue of thirty-two thousand kings and who are lords of the sea-girt earth. In the second place Hemachandra in his *Ādīśvaracharita* (p. 161) observes that when the Patriarch Ṛishabha near the end of his career asked his son Bharata to ascend the throne as he himself wished to assume 'the sovereignty of self-restraint',

the son at first begged to be excused because of his deep respect and affection for his father. 'If I should be deprived of you', he said, 'what use would I have for the glory of sovereignty ? The pleasure of sovereignty is like a drop in the Ocean of Milk of your service.' To overcome the son's reluctance the father reminded him not only of his filial duty of obedience, but also of the danger of kinglessness. In the absence of a king, he said, the maxim of the larger fishes devouring the smaller prevails upon the earth. In the third and the last place Haribhadra in his work called *Dharmabindu* (I 31), in course of a long enumeration of the duties of a Jaina layman, forbids him to speak evil of anyone, specially of kings and so forth. This is repeated practically in the same words by Hemachandra in his *Yogaśāstra* (I 48) : by speaking evil of kings and the like, the author explains in his accompanying commentary, one incurs the danger of losing his wealth, his life and so forth. In the above extracts the authors in the first place repeat the *Smṛiti* principle of the king's authority based upon the theory of his origin and his office. The king, it is held by Abhayadeva, is a divinity albeit in the very loose sense of the Jaina canonists, while his office according to Hemachandra is a preventive against anarchy symbolised by the law of the jungle. From this follows in the thought of Haribhadra and Hemachandra as a natural corollary the subjects' obligation of obedience to their ruler. To the above Hemachandra adds another basis of the subjects' obligation known to some of the other *Smṛiti* authors, namely, that the king's authority is founded upon force, and therefore the obligation of obedience is imposed upon the subjects by the primary dictates of self-interest.

From the above ideas of the authority of the temporal ruler let us turn to those relating to his obligation towards his subjects. In the extracts (Chapter XLII) of Jinasena's *Ādipurāṇa* referred to above, the speaker introduces his explanation of the king's obligation to preserve his family (*kula*)—meaning thereby the family-customs (*kulāmnāya*)—with a theory of the origin of kingship. The Patriarch Vṛishabha, we are told, finding that the country of Bharatakshetra in the two rotating cycles had changed from 'a land of bliss' (*bhogabhūmi*) to 'a land of duties' (*karmabhūmi*), felt it necessary that the people should be divided into two classes, namely, those who should be protected, and those who should devote themselves to their protection : the latter along with their descendants were called Kshatriyas. The just occupation of the ruler in respect of the ruled, the speaker continues, comprises a fourfold behaviour : this consists of the acquisition of wealth without violation of righteousness (*dharma*), its preservation, its increase and the bestowal (of the surplus) upon the deserving : the best behaviour of the Kshatriyas, the speaker adds with a characteristically sectarian bias, consists in following the Jaina faith (*Jaina-dharma*) : the Kshatriya was derived from the three jewels out of which the *Tīrthakaras* have sprung and is gifted as such with a non-human origin. The speaker asks the king accordingly to follow the principles of the law (*dharma*) and lead others to the same path. Illustrating the above, the speaker observes that the preservation of their

families by the Kshatriyas consists in non-acceptance of the remnants of offerings made to the gods (*śesha*) and so forth by the heretical sects, and acceptance of those presented by the Jaina rulers. In the above the speaker lays down a highly sectarian theory of the king's obligation following from an equally dogmatic and sectarian view of the king's origin. The ruling order, we are told, was separated from the rest by the Patriarch Vṛishabha in response to the changed time-spirit in our land, and the Kshatriya likewise had the same superhuman origin as the Patriarchs. From the above follows the king's obligation, firstly, of pursuing the well-known category of the ends of man's worldly existence, and secondly and above all, of following and enforcing the Jaina doctrine as well as beliefs and practices to the exclusion of the rest.

THEORY OF THE KING'S COERCIVE AUTHORITY

The theory of the king's coercive authority (*daṇḍa*) is dealt with by the Jaina authors on conventional lines. Jinasena, in the course of his above-quoted account of the creation of social and political institutions by the Patriarch Vṛishabha, observes that the rule relating to the punishment of the wicked and cherishing the good did not exist before, as all men were then without blame. In the absence of the wielder of *daṇḍa*, he explains, the people would follow the maxim of the larger fishes devouring the smaller (*mātsyanyāya*), for it is well-known that the weak are devoured by the strong and the wicked : it is through fear of *daṇḍa* that this world does not adopt the path of evil, and that the king who prescribes the proper punishment attains success as a ruler. Hemachandra, in his parallel version cited above, after stating how the Patriarch Ṛishabha prescribed punishments varying according to the offences, sagely observes, 'The fear of punishment ensured complete immunity against crimes, for verily the law of punishment alone is a snake-charmer for the serpent of all crime.' In the above extracts the authors, while tracing the origin of *daṇḍa* to its ordination by Ṛishabha as a remedy against man's sin, repeat three well-known and closely related principles. These are, firstly, that *daṇḍa* is the safeguard of individual security as well as the stability of the social order, secondly, that fear of *daṇḍa* is the grand preventive against wrongdoing by individuals, and thirdly, that *daṇḍa* is the foundation of respect for the king's authority.

IDEAS OF GOVERNMENT

Jinasena's ideas of government are presented before us in the course of his aforesaid account of the Patriarch Ṛishabha's instructions to the assemblage of kings in Kshatriya behaviour. Referring to the king's fourth obligation, namely, the preservation of the subjects, which is characterised as the head of the royal qualities, the speaker elucidates it in the first place with a series of homely similes drawn from the behaviour of a cowherd towards his charge. Like a cowherd treating a vicious cow in his herd, we read, the king should inflict upon the guilty person not a severe, but the appropriate

punishment (*daṇḍa*) : for a king who is severe in his infliction of punishment causes affliction to his subjects, who accordingly desert him : like a cowherd cherishing his best cows the king should cherish his hereditary troops (*maulam tantram*), and thus strengthen himself within his own and his enemy's State-circle (*maṇḍala*) : like a cowherd treating a cow who has broken her leg, the king should direct his best physicians to treat with medicines any wounded soldier in his army, and having cured him he should fix his livelihood, and this would win for him the devotion of all his servants : when a soldier is killed in battle, the king should appoint in his place his son or brother, like the cowherd restoring to health with the application of proper medicines a cow who has fractured her bone : thus would the king's servants applaud his gratefulness and fight bravely for him : when a subject suffers from mental anxiety, the king should comfort him like a cowherd applying medicines for curing his cows from insect-bites : for servants are gratified more by receiving proper honour from their master than by receiving much gifts : the king should honour the best trooper in his army by providing him with ample means of subsistence, like a cowherd nourishing with great care the strong bull of his herd that is capable of bearing heavy burdens : for a master gratifying his brave warriors with appropriate honours is not deserted by his devoted followers : like a cowherd pasturing his cattle in a forest free from thorns and excessive heat and cold, the king should settle his followers in a land free from troubles : otherwise there would be disorder in the kingdom, and the people would be oppressed by robbers and turbulent vassals and frontier chiefs : the king should receive with proper honours those offering their services and help them to acquire and preserve their wealth like a cowherd carefully nursing a new-born calf : just as a cowherd purchases the best cattle after a thorough examination of their qualities, the king should 'purchase' youths of high families and engage them in their proper work : like a cowherd carefully nursing his cows on rich pastures and extracting their milk thereafter every morning, the king should unremittingly foster cultivation in his private lands by gifts of seeds and so forth, and he should likewise encourage cultivators in his whole kingdom to produce crops out of which he should take his proper share : the king should protect his subjects against all afflictions like a cowherd laboriously protecting his herd against tigers, thieves and so forth : just as a cowherd honours with presents the master visiting the herd, so also the king on being attacked by a powerful enemy should in consultation with his elders make a treaty on (proper) terms : since war causes loss of men and much misfortune and is attended with evil consequences, the king should make a treaty with the strong enemy by gifts of presents and so forth. The speaker's further account of the king's policy towards the Brāhmaṇa heretics breathes a spirit completely different from the above. He begins by referring to the barbarians living by the (sacred) texts (*aksharamlechchha*), and he explains this term to mean those who earn their living by teaching the Vedas, and who deceive the people by reciting impious texts. Violence and

meat-eating, taking away others' property by force and falling off from good custom, he explains, constitute the behaviour of barbarians, and these characteristics are likewise found among those vile Brāhmaṇas who out of pride in their caste honour greatly the teachings of the *Vedas*. With the above characteristic outburst the speaker proceeds to define the king's policy towards this class with peculiar sharpness. Those afflicting the people of the kingdom, he says, should be brought under control by 'purification of their families' (a euphemism, as the commentator explains, for instructing them in the Jaina doctrine) and so forth : those who move about in the kingdom should likewise be made to pay a tax like the common cultivators : in disregard of their claim to immunity from taxation by virtue of their superior birth, function and status, they should be curtly told that there is no difference as regards birth between them and the other castes, that unlike the Jaina Brāhmaṇas they are Brāhmaṇas only in name, that they are without religious vows, unworthy of salutation, shameless, given to the slaughter of animals and addicted to the ways of the barbarians : therefore the king should treat them equally with the others by taking from them the same share of the crops as is paid by the subjects in general.

Turning to the king's fifth and last obligation, namely, that of the preservation of propriety (*samañjasattva*), the speaker observes that the king who adopts a natural behaviour, who looks with an impartial eye upon all, who punishes the guilty, without considering whether he is his son or an enemy, who takes no sides and who wishes his friend as well as foe to be free from blame, is called the proper king. Not to look with a partial eye towards his subjects, he says more briefly, is called the quality of propriety. This leads the author to explain the double implication of his policy. The king, he says, should cherish the good (*śishṭa*) living by proper occupation and punish the wicked (*dushṭa*) guilty of committing crimes : the former class comprises those who practise virtue through the exercise of forbearance, purity and so forth, while the latter class consists of those who commit sin by indulging in violence and other crimes.

The above account repeats some of the traditional ideas of government with a strong Jaina twist. In the branch of internal administration it involves a policy of justice and relief against calamities towards the king's subjects, of politic generosity towards his troops, of recruitment and selection of officials so as to enlist their best services and of active promotion of agriculture. By contrast it subjects the Brāhmaṇa heretics to a severe persecution attended with their more or less forcible conversion and contemptuous rejection of their traditional claim to exemption from taxation. In the sphere of inter-State relations it puts forward, characteristically enough, a plea for a king's surrender to his strong enemy and justifies this by reference to the risks and losses of war.

Let us now turn to Somadeva's religious romance called the *Yaśastilaka* which gives us a strikingly original version of the familiar Jaina romantic tale of a young ascetic recounting his reminiscences as king of Ujjayinī in a

previous birth before another king.[2] As regards the author's reference to the theories of government, we may quote here three separate extracts describing as many episodes of the ascetic's career in the course of his narrative. In the first extract (III pp. 367–74) the speaker begins by recalling his practice of personally inspecting the affairs of his subjects at the assembly-room. This is justified by the argument that when a king makes himself inaccessible to his subjects, he is misled as regards his proper and improper acts by those near him, and he is overpowered by his enemies : like unchaste wives, the government employees have in general no other means of subsistence than the calamities of their masters just as an employer has no other means of subsistence than the prevention of excessive transgressions of their employees (as of wives) : those kings who enjoy pleasures at their will after entrusting the cares of government to their officials are fools : they are like persons who go to sleep after entrusting the sign-manual for the preservation of milk to the cats : the movements of fish in water and of birds in the sky might sometimes be known, but the behaviour of officials, inscrutable even in manifest acts, can never be known : just as a physician exerts himself to aggravate the diseases of his rich patients, so the employees exert themselves for creating troubles for kings : there cannot exist a kingdom with a king alone and without the employees, and therefore these must be appointed as well as selected with care.

In the second long extract (III pp. 407–61) we are told how a spy reported to the king at his request on the conduct of a particular minister on whom he had reposed unbounded and misplaced confidence. In selecting this minister for the administration of his kingdom, the king had wished, the spy is told, to provide for the protection of the people, since they are the roots of the increase of the army and the revenue : he had further desired to gratify the leading men of his kingdom (*prakṛiti*) as they are the means of accomplishing very different tasks and preventing affliction by the enemies. The spy begins his devastating report with the quotation of lampoons composed against the minister by fourteen specified poets, which may safely be taken to be a reflection of the type of political satires in use against individual politicians at the time. In reply to the king's angry remonstrance the spy makes a long speech containing a series of virulent invectives against various aspects of the minister's character and policy. These are interspersed with general references to the theories of Government. High family, learning, character and capacity for rescuing from calamities, or else the display of extraordinary heroism in fighting, we read, endear attendants to their masters, and these qualifications are completely wanting in his minister. In the following lines the spy after quoting instances of kings who were killed for honouring unworthy ministers or for dishonouring worthy ones, observes that the king should guard himself against the evil tendencies of ministers. The evil behaviour of the ministers, it is explained, ceases only when the king is strict in determining the issues of right or wrong : when the king is tender-hearted, indolent or devoted to the pleasures

of the moment, his servants like the wives tend to become insolent and unfaithful. Then follows a solemn warning against the terrible consequences of having a bad minister. Alienation of the leading men, depletion of the treasury, decay of the population, disaffection of kinsmen, hostility of friends and flight of the high-born, all these evils are seen to arise when the king has a bad minister, and the king is thereafter forcibly dispossessed by his enemies or his kinsmen: though a king be poor, he may be rich in assistants if he is great. Referring to the duties of the ministers, the spy next observes that these are in brief the protection and care of the subjects, and making the leading men like-minded (in loyalty to the king): he is truly the king's minister, who is liked by the army and the allies, who is just in affairs relating to the country and the revenue, and who is loyal to the king. This is followed by the speaker's quotation of a fresh series of lampoons composed against the particular minister by five successive poets. Referring next to the minister's act in grasping the sole power in the State by the banishment of his political opponents, the speaker explains the danger of having a single minister. A single wheel, we read, does not move and as Viśālāksha (the old *Arthaśāstra* master) observes, a single man does not attain success in his undertakings: a king having a single minister fails to attain much prosperity just as a creeper climbing a tree with a single branch fails to attain growth. The speaker concludes by explaining the uses as well as abuses of ministers. There are, he says, two divine factors in the matter of loyalty of ministers to their kings: the minister undertakes with unequalled wisdom the burden of completing a task when the king desires action, and he acts like the wish-giving gem with his mind fixed on justice when the king is in want of money: the factors do not consist in expulsion of the learned and in destruction of the kingdom: this is supported by a quotation stating how Duryodhana, though strong, went to ruin because of his minister, while Chandraguptaka [*sic*], though weak, won a kingdom because of his good minister.

The third extract in the *Yaśastilaka* (ibid. IV 155–6) deals with the qualifications and duties of the ministers. Here we read that those alone who are in constant fear of their lives and who have no motives of self-interest in deliberation deserve to be selected for consultation by kings and not those who are like leeches. In the following lines the speaker, after bracketing a minister undertaking a project according to the king's wishes, with a teacher preaching religion according to the wishes of his audience and a physician ministering to the wishes of his patients as pillars of the Iron Age, indicates the minister's difficult duty in clear terms. The minister by acting according to the king's wishes might ruin the people, and by following the people's wishes he might ruin himself: yet he must speak the truth: he might bring about his own ruin by acting in the above way, but he would ruin the kingdom and the king as well as himself, if he were to give false advice.

The extracts cited above from the *Yaśastilaka* seem to develop the old *Arthaśāstra* theory of government on three points. These comprise, firstly,

the principle of the king's constant watchfulness of his officials which is justified by their habitual tendency to live by their master's calamities and in fact to create trouble for the latter for their own benefit, as well as the tendency of the ministers to take advantage of the king's supineness; secondly, the principle of the king's selection of his ministers on the ground of merit (birth, learning, honesty and courage) which is justified by the danger of complete disintegration and collapse of the kingdom otherwise, and which is explained by the comprehensive scope of the ministers' functions comprising public security and contentment of the leading men as well as help in the general (and especially in the financial) administration; thirdly and lastly, the technique of a king's consultation with his ministers based on the danger of reference to a single minister for the purpose.

As regards principles of government, we may quote here a short but important extract (IV, p. 95) from the *Yaśastilaka*. Just as day and night, we read, cause light and darkness respectively, in the same way the king is the operative factor in fostering virtue and sin (among the subjects): the subjects follow the ruler, says the accompanying quotation, being virtuous or sinful or neutral according as he is such: as is the king, so are his subjects. The habits and customs of men, we are further told, are based upon those of the king: the rules relating to the castes and the orders, which ensure their religious merits and demerits, depend upon the king: the subjects do precisely what is done by the king, whether bad or good, under the influence of desire or anger or through ignorance (or their opposites). The speaker concludes by stating that just as the good king earns one-sixth of the religious merits of those who practise good deeds, in the same way the wicked king incurs one-sixth of the demerits of those addicted to evil deeds. The above extract emphasizes the familiar principle of the ruler's righteousness by indicating its direct repercussion upon the fortunes of the ruled, and it enforces this lesson by applying the *Smṛiti* doctrine of double transfer of the *karma* of the ruled to the ruler according to his fulfilment (or otherwise) of his obligation towards them.

Turning, lastly, to the branch of governmental policies, we may first quote an extract (ibid. III, pp. 375–94) in which the ascetic recalls the experience of his past birth as a righteous conqueror, weighing in the balance as such the six traditional types of foreign policy. He consulted in succession, we are told, his five ministers who are described respectively as a fatalist, a materialist believing in human effort, one both fatalist and materialist, 'a new man', and a man who had attained the foremost position among the ministers. Beginning with a warning against disclosure of counsel, the first minister asks that the council-chamber should be cleared of all outsiders: for, while poison as well as a weapon kills one man, disclosure of counsel is enough to destroy the king with his relatives and his kingdom. The speaker next proclaims the omnipotence of fate and the futility of human effort, and thence he draws the practical conclusion that the king should enjoy the present good fortune that has come to him unsought:

the king should likewise practise virtue, for what man is more ungrateful than the one who having attained royal fortune through virtue becomes lax in its observance, and who else is most emptily equipped for the next birth ? The second minister, after stating that all acts depend upon human effort and that fate is powerless to save even what lies in one's grasp, observes that when the king is lacking in strength, his friends as well as foes go astray, that knowledge is of no use to a king who is without pride, that there is no difference between a living king and a painted one when his favour fails to bring riches and his anger destruction, and finally, that the influence of the moon in the sky is of no avail to one who has no strength either of body or of mind : the king, therefore, like the god Vishṇu, should triumph over his enemy and bring the whole earth under his control by his prowess. The third minister, in trying to effect a compromise between the views of the previous speakers, observes that both fate and human effort are contributory factors of a man's success, and that like vitality and medicine in the case of a patient they are mutually helpful in producing the desired result : nevertheless human effort as being the basis of all acts of men must be constantly borne in mind in contrast with fate which is beyond the range of man's sense-experience.

In marked contrast with the three views above described stands that of the fourth minister aptly called 'Omniscient in policy'. Rebuking the previous speakers for their academic discussion, the speaker observes that the council-chamber is not an educational institution, nor is the time opportune for a scholarly debate, but that the matter in hand should be considered there. The speaker accordingly, after quoting the list of constituents of the State-system, declares that he alone becomes their conqueror whose prowess is based upon policy. That alone is counsel, we are next told, which involves the consideration of the factors of time and place, the expenditure involved, the necessary expedients, the required assistants and, the resulting fruit, while all else means relieving the itch of the mouth : those are truly the king's ministers whose counsel bears fruit in action beneficial to their master, and not those who indulge in tall talk. After this preliminary hit at the previous speakers the minister indulges in a long discussion of the policy of inter-State relations. What is the use, he asks, of fighting with weapons if one can count for success upon fighting with intrigue, for what intelligent man would climb a hill for gathering honey when he can get it on the *mandāra* tree ? When a man is ignorant of political expedients, his display of physical strength is vain just like the arrows when they are not fitted to the bow : an arrow shot by an archer may or may not kill a man, but intelligence directed by a wise man kills even the foetus in the womb : a man has his one body and pair of hands while his enemies are present at every step, and even a thorn can cause suffering, what little help can be given by the sword ? Not to speak of fighting with sharp arrows, one should not fight even with flowers, for we do not know what will happen to creatures plunged in war. Referring in the next

place to the well-known category of the threefold condition of States the speaker observes that there are three periods in the life of kings, namely, their progress, their equilibrium, and their decline, and he says that while one should wage war in the first case, he should refrain from doing so in the two other cases. Fighting with a powerful enemy, he explains, is like fighting on foot with an elephant, and therefore such an enemy should be brought under control by concerted attack : fighting with an equal like a clash between two unbaked earthen vessels involves both in destruction and therefore such an enemy should be reduced with the help of others like an elephant with the help of other elephants : even the inferior enemy with good troops should be reduced by making him fight with other braves, or else he should be brought to servitude by the application of policy. Next referring to the traditional list of political expedients, the speaker observes that the king should take recourse to force where the other expedients of conciliation, bribery and creating dissension have failed. No one, it is explained, should take up arms when the end can be gained by conciliation, for who would administer poison when death can be caused by administering molasses ? A king who does not share his fortunes with others meets with destruction : a king who displays his prowess without creating dissensions in the enemy's ranks is like a man snatching at bamboos intertwined in tall clumps : in fine the king should cast the net of his diplomacy for catching his fish-like foes. A king without strength, we are next told, is like a lame man incapable of using his intelligence, while a king without intelligence is like a blind man incapable of using his strength. The politic king, the speaker finally observes, should not discriminate between the great and the small, for when the river is in flood it sweeps away the trees as well as the grass on its border : again, it is seen how mighty elephants meet with death at the hands of lion-cubs. Even a small army, the speaker continues, brings success if it contains a core of Kshatriyas, is well equipped, brave, well-trained and loyal, but an assemblage of heads is useless : one who causes disaffection among his loyal subjects does not enjoy his fortune for long like a man who awakens a black serpent.

Last comes the advice of the fifth and the most esteemed minister called 'Bṛihaspati in matters of policy'. The minister, while warmly commending the words of the last speaker, enjoins the king daily and constantly to bear in mind, like his physical acts, three good sayings (*subhāshita*) containing the essence extracted from all *Arthaśāstras*. The aggressive king (*vijigīshu*), we read in the first verse, should guard his own men from his partisans, his partisans from others and others again from his partisans, while he should constantly guard himself from his own people as well as from others. The king, so runs the second verse, should rule his kingdom in the fashion of a skilful gardener tending his garden : he should throw out the thorny plants, he should separate those joined together, he should replant the uprooted, he should pluck those in bloom, he should rear the lowly, he should humble the high-born, he should reduce the swollen, he should fell

down the mighty. Even from a slight enemy, so runs the third verse, there might arise danger in course of time, just as there might be danger to other trees even from the seed of an *aśvattha* tree ; who would therefore neglect such an enemy ?

In the above the *Arthaśāstra-Smṛiti* policy of inter-State relations and of State policy in general, is discussed with some originality. This consists in the application of different philosophical standards to the problems of those relations. The first view, based upon the application of the fatalistic creed to politics, counsels an easy resignation to the present good fortune accompanied somewhat illogically with a plea for virtuous living in the present for ensuring similar good fortune in the near future : this is prefaced (unnecessarily from the speaker's point of view) with an emphatic repetition of the old *Arthaśāstra* plea for the secrecy of counsel. The second view founded upon the application of the materialistic creed to politics urges upon the king an aggressive foreign policy aiming at universal conquest, and it justifies this (logically enough) by reference to the frustration accompanying the absence of manly qualities in the ruler. The third view, while involving a compromise between the two standards above mentioned, still indicates the superiority of human effort to fate in the ruling of one's affairs. The fourth view, which in contrast with those above mentioned involves a realistic treatment of politics, first analyses with peculiar sharpness the tests of good counsel and a good counsellor. War, it is next observed, should be avoided as an instrument of State policy because of the futility of force in comparison with diplomacy, not to speak of the risks of fighting : war is justified in the condition of a king's progress, but not in those of his equilibrium and decline in relation to the enemy : a direct fight should be avoided with a stronger enemy and a single-handed fight even with an equal or a weaker enemy : while conciliation, bribery and dissension have their place as instruments of foreign policy, force should be resorted to only in the last instance. The joint application of strength and intelligence is necessary for success in statecraft and the utmost vigilance combined with military preparedness for success against the enemy, while disaffection of the subjects is the king's greatest danger. The fifth and the last view, while generally endorsing the one last named, concentrates on three lines of policy admittedly derived from the *Arthaśāstra*. These relate, firstly, to the policy of a king's constant and universal vigilance, secondly, to that of his application of a complex and even contradictory behaviour towards his subjects with the aim of internal consolidation, thirdly and lastly, to that of complete extermination of the enemy.

We may notice in conclusion a short extract (IV) from the *Yaśastilaka* dealing with the policy towards a foreign enemy. Conciliate the enemy, says the speaker, and speak sweetly to him, but at the same time do what is in thy mind : the peacock sings sweetly but bites venomous serpents : just as men carry fuel on their heads to burn it, in the same way the high-spirited man should first conciliate his enemy and then destroy him : it

is generally the straightforward people that fall into danger : a crooked tree is not cut so easily as a straight one. The above extract repeats by a series of homely analogies a line of policy towards the enemy that is traceable in the thought of Manu, Bhishma and other thinkers. This consists in the application of ruthless cruelty as well as deliberate treachery towards the enemy. Coming as it does from the pen of an orthodox Jaina writer the significance of the above lies in its testimony to the vitality and vigour of the traditional policy towards a king's enemies with its lesson of the complete divorce of morality from politics.

CHAPTER TWENTY-SIX

NOTES

[1] On the development of the Jaina literature during the ninth and the following centuries *vide* M. Winternitz, *A History of Indian Literature*, vol. II, pp. 480-595. Somadeva's life and times are described in the work of K. K. Handiqui entitled *Yaśastilaka and Indian Culture*, pp. 1-21 and 464-6.

[2] A list of nearly thirty works (in Sanskrit, old Gujarati, old Hindi, Tamil and Kannaḍa) on the legend of Yaśodhara is given by P. L. Vaidya (ed. *Yasaharacariu* of Pupphadanta, Introduction, pp. 24-8). Handiqui (op. cit. p. 50) justly observes that Somadeva's work is entirely different from the other versions of the story as being a socio-political study and a learned compendium of philosophy, theology and religion.

CHAPTER XXVII

THE WORKS ON THE TECHNICAL SCIENCE OF POLITY—IV THE *NĪTIVĀKYĀMṚITAM* OF SOMADEVA AND THE *LAGHVARHANNĪTI* OF HEMACHANDRA

INTRODUCTORY

We have referred at the beginning of the last chapter to two Jaina works on polity belonging to this period, namely, the *Nītivākyāmṛitam* of Somadeva and the *Laghvarhannīti* of Hemachandra. In their general plan and contents these two works differ from each other. Somadeva, evidently in accordance with his conception of *nīti* in its wider sense of general morals, contrives to incorporate in his work considerable digressions on morality and even on the arts of poetry, music, dancing and so forth. By contrast Hemachandra following the stricter definition of the term devotes his four chapters successively to the topic of qualifications of the king and his officers, that of war (*yuddhanīti*) and punishment (*daṇḍanīti*), that of law and legal procedure (*vyavahāra*), and lastly (and somewhat strangely), that of penance. *Nīti*, Hemachandra explains (II 1.5) by way of linking up his second and the third chapters, is divisible into three varieties of which the first dealing with war is occasional, while the second and the third relating to punishment and law respectively are permanent. The sources of the two works are clearly indicated by the internal evidence. From this it appears that both the authors, notwithstanding their strong Jaina faith, drew their political ideas almost exclusively from the *Arthaśāstra-Smṛiti* tradition, especially as represented by Kauṭilya and by Manu and Bhīshma. The immediate source of Somadeva's inspiration probably has to be found in the large number of metrical works dealing with topics on politics, which as we have stated in a preceding chapter are quoted by the author of the anonymous commentary on the *Nītivākyāmṛitam*, a comparison of the two showing the later writer to have extensively paraphrased the extracts of his predecessors. On the other hand it is interesting to observe in Hemachandra a bold attempt to claim for his book an orthodox origin. In the very title of his work and more clearly in his introduction, he avows his book to be an abridgment of the work of the Founder of the Faith on the science of polity. This work (here called by the alternative title of the *Bṛihadarhannīti*), along with another equally unknown authority called the *Śrutasāgara*, is recommended to his readers for further study by Hemachandra in the colophons of his chapters on law and legal procedure.

ORIGIN OF SOCIAL AND POLITICAL INSTITUTIONS

While Somadeva is silent about the origin of the social order, Hemachandra opens his work with a short account (I 13–32) of the evolution of social and political institutions. When Ṛishabha, the Supreme Jina, ruled as first king during the present Age-cycle, we are told by the latter author in a brief sketch of the origin of the science of polity (*rājanīti*), the people of India (Bharatas) were reduced to distress and subjected to the snares of the Evil One (Kali) because of the decay of the wish-giving trees : Ṛishabha therefore out of compassion abolished the old law relating to the human twins and disclosed the division into castes and orders along with their sacramental rules, the principles of royal policy, the planning of towns and trade-marts, and in fact all sciences and all human activities relating to this and the next world. Ṛishabha's son Bharata, who was versed in policy, law and so forth, created the four *Vedas* for the fulfilment of the people's worldly ends : when the *Vedas* were vitiated with violence and other evils, the venerable old masters gave them up and created numerous works by which men are governed in their worldly ways at the present time. In a second extract (II s.v. *daṇḍanīti*, 2–7) the author, after quoting from the Jaina canon its list of seven kinds of *daṇḍanīti* (or rather *daṇḍa*), observes that the first three varieties (involving verbal chastisement in as many different forms) were enacted by the Patriarchs (*kulakaras*) in the Kali Age because of the human twins succumbing to the evils of the Age, while all the rest (comprising fettering, imprisonment and mutilation) were enacted afterwards by the Patriarch Bharata.

The theory of evolution of the social and the political order involved in the foregoing extracts is a variant of the one laid down by Hemachandra in his *Ādīśvaracharita* as explained by us in the previous chapter, but they partake of the same character. This involves the conception of creation of the complex social and the political order, in a well-defined space and time in the process of cosmic evolution, by the two Patriarchs to cope with man's gradual decline in the wake of the growing diminution of nature's bounties.

ESTIMATE OF THE TRADITIONAL SCIENCES —CONCEPTION OF POLITICS

Nothing shows so well the complete assimilation of Somadeva's political ideas to those of the *Arthaśāstra* after its most authoritative exponent as his treatment of the old problem of the values of the four traditional sciences in the context of a prince's educational curriculum. Declaring in the first place (v 55–60) 'Philosophy' (*ānvīkshikī*), 'the three Vedas' (*trayī*), 'Economics' (*vārttā*) and 'Politics' (*daṇḍanīti*) to be the four royal sciences (*rājavidyās*), he proceeds to explain successively their role in a king's training. By studying *ānvīkshikī*, we are told, he acquires the capacity of reasoned judgement of the potency (or otherwise) of his acts, steadiness in weal and woe, as well as proficiency in knowledge and speech : by studying the *Vedas* he

becomes very much confident in his knowledge of the customs of castes, and conversant with the entire group of duties and their opposites : by the proper application of *vārttā* he delights the whole living world, and he himself fulfils all his desires : when the king sets himself, like the god of Death, to inflict punishment (*daṇḍa*) upon offenders, the people do not transgress their prescribed limits, and the greatness of which the three ends of life are the fruits attains completion. *Ānvīkshikī*, the author sums up, is useful in respect of knowledge of the individual soul, and the *Vedas* in respect of Vedic sacrifices and so forth, while *vārttā* deals with agriculture and so forth, and *daṇḍanīti* with chastisement of the wicked and cherishing of the good. The above ideas are further expanded in the following chapters. Referring to *ānvīkshikī*, the author says (VI 2) that the king who is conversant with the knowledge of the individual soul is not afflicted with natural as well as physical and mental and prospective ills. In a later passage (ibid. 32–3) the author, after defining materialistic philosophy (*lokāyata*) as that which is devoted to the pursuit of worldly ends, observes that the king who is conversant with the same is capable of extirpating the thorns of the kingdom. In the next place the author (VII 1–20) after mentioning with Yājñavalkya the fourteenfold content of the category of the three *Vedas*, observes that the knowledge of what is lawful and otherwise in respect of the castes and the orders is derived from the same : all the unorthodox sects, it is further observed, are thereby filled with attachment for their own systems, and are thus qualified for the pursuit of worldly affairs : the author in the next place, after declaring the *Dharmaśāstra* (or the *Smṛitis*) to be equal to the *Vedas*, repeats the familiar *Smṛiti* lists of the distinctive as well as common duties of the four castes : when the four castes, he says in conclusion, fall off from their respective duties, they are purified through the Vedic observances, while the king attains the threefold end of life in the event of non-intermixture of the duties of the subjects. When *vārttā* flourishes, we are told in the following chapter (VIII 2), the king prospers in all respects. Finally the author (IX 13), after declaring *daṇḍanīti* to involve punishment in proportion to the guilt, observes that the king should apply the same for protection of his subjects, and not for enriching himself.

In the above extracts, it is evident, the author describes after Kauṭilya's pattern but with a strong Jaina bias, the functions of the four sciences in a prince's training. The study of Philosophy, we are told, confers mental alertness and moral discipline as well as practical efficiency : at its lowest level of materialistic philosophy, its study enables the king to solve the problem of dealing with the anti-social elements in his kingdom : the *Vedas* provide the king with knowledge of the duties of the castes and the orders and teach the performance of Vedic sacrifices and so forth : Economics fulfils the material needs of both the king and his people, while Politics, by ensuring just punishment, secures the complete happiness of the individuals.

We have just seen how Somadeva defines the scope of *daṇḍanīti* as comprising the chastisement of the wicked and cherishing of the good. Defining the parallel term *Nītiśāstra*, he observes more generally (xxx 45–7) that it involves the king's application towards the security of his own circle of States and acquisition of the enemy's State-circle. With the above we may compare Hemachandra's above-quoted explanation (II 1.5) of *nīti* as having three divisions relating to war, punishment, and lastly, law as well as legal procedure. The above extracts repeat more or less the old *Arthaśāstra* view of the twofold scope of the science of polity (*nīti*) comprising the branches of the king's internal administration and foreign policy.

IDEAS OF LAW OF THE SOCIAL ORDER

The ideas of law of the social order in Somadeva and Hemachandra, such as can be gleaned from the extracts quoted above, indicate an interesting comparison and contrast with those of the Brahmanical *Smṛitis*. Somadeva, in the course of his critical estimate of the four sciences, acclaims the *Vedas* and more especially the *Smṛitis* as laying down the duties of the castes and the orders, and promises high reward to the king for enforcement of the same. This repeats the *Smṛiti* conception of the *Vedas* and the *Smṛitis* as the primary sources of the law of the orthodox social order along with its political sanctions. By contrast Hemachandra in connexion with his theory of social evolution holds that the *Vedas* were created by the Patriarch Bharata for man's guidance, but were afterwards superseded for the fault of moral contamination by the works of other masters (evidently meaning Jaina canonical works). This involves the view dictated by the author's strong sectarian bias, of the creation and subsequent repudiation of the Vedas by the authority of the Patriarchs of the Faith. Common to both the Jaina writers and equally indicative of their religious bias is their view of the limitation of the end of the *Vedas* to worldly purposes.

AUTHORITY AND OBLIGATION OF THE TEMPORAL RULER—THEORY OF THE KING'S COERCIVE AUTHORITY—AUTHORITY OF THE KING'S EXECUTIVE EDICT

Though Somadeva fails to give us a connected theory of the authority and obligation of the temporal ruler, his ideas on the subject can be gleaned from his scattered notices. The king, he says in one place (v 67), is a great deity, and as such he bows to no one except to his superiors. All the Regents of the Quarters, we are told in a second extract (xvii 52), attend upon the king, and therefore he is called the best of them though belonging to the intermediate order of this class. Applying a still bolder metaphor the author elsewhere (xxix 16–19) declares that there is no visible deity other than the king, since he combines the forms of the three Deities (Brahmā, Vishṇu and Śiva): the Kshatriya (prince), it is explained, becomes Brahmā when on attaining the first stage of life he fixes his mind at the eternal Brahman, serves his preceptor's family, and makes a complete study of the branches

of knowledge: the king is called Vishṇu when on attaining royal fortune and receiving the ceremonial initiation at his consecration, he attracts the love of his subjects with his good qualities: he becomes Śiva when blazing with strength as with the third eye of that God and gifted with the highest authority, he sets about extirpating the thorns of the State as well as his demon-like enemies and becomes a conqueror. As a corollary of the above view of the high authority of the king follows the conception of the subjects' duty towards himself. In the first extract (XVII 25–8) we are told that the king's order is an impassable wall to all, and that the king must not tolerate even his son violating the same. He who is slighted by the king, we are told in a later passage (ibid. 34–5), is slighted by all, and he who is honoured by the king is honoured by the people. Even a king in pictures, the author observes elsewhere (XXXII 66), should not be despised, for the Kshatriya's strength resides in it as in a deity in a mighty human form. Other passages inculcate the old complementary principle of the king's obligation. In the first extract (VI 4) the author, after declaring with Kauṭilya that the king stands to his friends and foes in the position of the gods Indra and Yama respectively, explains his distinctive duty to comprise chastisement of the wicked and cherishing the good, and not shaving the head and wearing matted locks (like ascetics): government (*rājya*), again, signifies the act of protecting the territory. In a second extract (VII 8) the author, in the course of an enumeration of the duties of the four castes, places protection of creatures first in the list of the Kshatriya's duties. Is he, we are told (ibid. 21–5) in the same context in the author's characteristically sarcastic vein, a king who fails to protect his subjects? To this the author adds that the king who is a protector wins one-sixth of the merits (*dharma*) of all, and even the ascetics honour the king with the gift of one-sixth of their gleanings in corn as a reward for protection. In a third extract (XXVI 66) the author says that the king's performance of sacrifice consists in protection of his subjects and not in sacrificing animals. With Somadeva's theory of the king's obligation explained above, we may compare that of Hemachandra. Of a king, he says under the head of law called 'theft' (III, s.v. *stainya*, 2; ibid. 5), the highest duty is constant protection of the subjects against thieves and others, and his fame is thereby spread to the ends of the quarters: the king gains one-sixth of the merits acquired by his subjects from gifts, religious worship and so forth, and thence arises his immunity from fear of providential calamities as well as the increase of his treasury. In the above Somadeva, following the late *Smṛiti* precedent, first derives the king's authority from the doctrine of his divinity in the physical as well as metaphorical sense of the term, and deduces therefrom the corollary of the subjects' obligation to honour and obey their ruler even at second-hand. Secondly, Somadeva and Hemachandra repeat the *Smṛiti* principle of the king's ethico-religious obligation of protection along with its spiritual sanction in the shape of transfer of a share of the subjects' good *karma* to the dutiful ruler.

In so far as the rules of State law are concerned, Somadeva in an extract (XVII 25–8) quoted above in part, observes that when a man obeys one who is disobedient to the king's orders, he should be punished with the highest amercement. Hemachandra's rules of State law, on the other hand, reflect after the late *Arthaśāstra-Smṛiti* pattern the joint influence of the principles of the king's authority and his obligation. He who reviles the king and speaks evil of him, we are told (II 2. 16–17), he who divulges the king's counsel, he who steals from the king's treasury and he who acts against the king's interests, should be banished after cutting off his tongue, and he who forges (lit. writes out himself) the king's edict is to be punished with the highest amercement. The last penalty is also prescribed (ibid. 20) for one who mounts the king's conveyance or seat. On the other hand we are told (ibid. 23) that should the king inflict punishment, he must multiply it thirtyfold and bestow it for purpose of meritorious acts (*dharma*). In the above extracts while the king's authority and his property-rights (with certain exceptions) are protected by special clauses of the State law, he is held by another clause of the same law, reminiscent of Kauṭilya and Yājñavalkya quoted in our Chapters VI and VIII, to be liable to enhanced punishment for maltreatment of his subjects.

The theory of the king's coercive authority (*daṇḍa*) in Somadeva's thought, so far as it goes, follows the familiar lines. How the people, according to this author (v 59), swerve not from their prescribed duties and attain complete happiness in the event of the king's applying himself sternly to the punishment of criminals, has been told above. *Daṇḍa*, we read in a second extract (IX 1; ibid. 6–7) like the science of medicine is the means of cleansing from disorder: when *daṇḍa* is misapplied under the influence of desire, anger or ignorance (of the law), the author continues, it provokes all beings, and when it is not applied at all, it leads to the popular maxim *mātsyanyāya* which consists in the larger fish devouring the smaller. There is, says the author in a third extract (XXVIII 24–5), no other means of inducing discipline than *daṇḍa*, while a straightforward man is overpowered by all: the former statement is supported by the analogy of fire alone being capable of straightening out a bent piece of wood, and the latter by that of a straight tree being more easily cut down than a bent one. In the above extracts the author seems to repeat two basic principles of Kauṭilya's theory of *daṇḍa*. Firstly, as regards the function of *daṇḍa*, it is held to be the grand incentive to the fulfilment of individual obligations and means of ensuring respect for authority. Secondly, as regards the technique of *daṇḍa* we read that while its application under the influence of caprice or in disregard of the law leads to universal disaffection, its non-application produces anarchy symbolised by the law of the jungle.

The references in Somadeva's and Hemachandra's works throw some light upon their ideas about the authority of the king's executive edict. We have seen above how Somadeva, while enjoining the king not to tolerate any disobedience to his orders, visits such disobedience even at second-hand

with a heavy fine. Again, Hemachandra (III s.v. *samayavyatikrānti*, 1–5), referring to the usages of merchants and others under his head of law called 'Violation of Agreement', observes that the king as well as other men should always carefully observe the usage based on agreement, which comprises the usage (*dharma*) of the group (*samudaya*) as well as the edicts (*dharma*) of kings. He who violates the usage (*sthiti*) of the group (*gaṇa*) as well as the regulation of kings, we are further told, should be banished after confiscation of all his possessions. This is accompanied by the important qualification that one must not violate thereby his distinctive *dharma*. In the foregoing extracts the authors in the first place repeat the late *Arthaśāstra-Smṛiti* principle of the binding authority of the king's executive edict, Hemachandra adding the sanction of fine or banishment of the offender with confiscation of his property. Repeating in the next place the old *Smṛiti* principle, Hemachandra limits the operation of the king's edict by the superior authority of the individual's obligations in accordance with the law of his order.

CIVIL RIGHTS OF INDIVIDUALS

As regards the old *Smṛiti* conception of civil rights of individuals the views of our authors indicate an interesting comparison and contrast with those of the Brāhmaṇa canonists. Somadeva in one place (XVIII 45–9), after condemning the king who enriches himself by bribery, observes that when the king transacts business by taking bribes, it bodes good to nobody, for as he plaintively asks, if even the god joins company with thieves how can the people prosper ? In a spirit of complete resignation the author further observes that the king's wrongdoing as well as the Ocean's crossing its shores, the Sun's nursing darkness or the mother's devouring her own children, is the fruit of the Iron (Kali) Age. Turning to Hemachandra, we find him giving in one extract (II 2. 31–5) a list of persons who do not incur much blame nor become liable to punishment even for the offence of murder: the list includes one killing a man in the act of slaying old or learned men, children, Brāhmaṇas, pregnant women, the preceptor, the parents, ascetics and others. This is followed by a list of persons called desperadoes (*ātatāyī*) whose murder does not make one liable to punishment : the list comprises the robber of wealth or wife or fields, the man with uplifted weapons, the incendiary, the poisoner, the adulterer, and the destroyer of the foetus in the womb. Should the Brāhmaṇa, Hemachandra tells us in a second extract (III s.v. *stainya*, 30–31), take up arms on encountering a person in the act of striking down the preceptor or a man of his own faith or himself or old men or women or children as well as thieves, he would incur no blame for his act of circumventing the desperado (*ātatāyī*), and he should kill the assailant instead of giving up the dictates of *dharma*. It follows from the above that as regards the public rights of the subjects, Somadeva has nothing to offer but passive submission to the ruler's misrule on the analogy of submission to an unnatural calamity characteristic of the Evil Age. With

this may be contrasted the bold attitude of Bhīshma in the *Mahābhārata* advocating the people's resistance against the evil ruler in varying degrees. As regards the private rights of the individuals, on the other hand, Hemachandra grants them (and particularly the Brāhmaṇas) complete immunity for killing certain types of criminals. This involves an intensive as well as an extensive application of the old *Smṛiti* principle of the people's title to defend their civil rights by force of arms if necessary.

GEO-POLITICAL IDEAS

We have an interesting reference to geo-political notions and conceptions in Somadeva's chapter relating to the State territory (XIX 1–13). Here the author by a series of fanciful etymologies explains the economic and military significance of land under its various designations of *rāshṭra* (kingdom), *deśa* (country), *vishaya* as well as *maṇḍala* (administrative sub-divisions of the kingdom), *janapada* (territory), *dāraka* (of unknown meaning) and *nigama* (mercantile town). A *rāshṭra*, we read, is so called because it shines with the abundance of its domestic animals and crops as well as cash : a *deśa* is called such because it yields to its owner increase of troops and revenue : a *vishaya* is so called because it yields various products and endows the owner with elephants and horses : a *maṇḍala* gladdens the heart of its ruler by satisfying all his desires : a *janapada* is the residence of the castes and orders and is the source of production of various articles, a *dāraka* makes its owner prosper and breaks the heart of his enemies : a *nigama* is so called because it extricates its owner from all calamities by virtue of its own prosperity. The *janapada*, we read in the accompanying list of its merits, should be capable of mutual defence, should possess mines and forests of economic products as well as elephant-preserves ; its villages should be neither too large nor too small ; it should produce various crops, cash and merchandise ; it should not be dependent upon rain-water ; it should have plenty of guilds (*śreṇī*) as well as Śūdra cultivators : the contrary qualities make up the demerits of the *deśa*. Explaining the reference to Śūdra cultivators, the author says not without a touch of humour, that villages with plenty of Kshatriyas fight with one another even on slight provocation, while Brāhmaṇas do not yield even what has accrued (to the king) by recourse to conciliation, although they may be on the point of death. The king, we are further told, should colonise the *janapada* within his kingdom whether belonging to him formerly or not, with people drawn from other lands by means of gifts and honours. The foregoing extracts involve an attempt after the old *Arthaśāstra* standards to assess the qualities of State-territory from the standpoint of its military and economic advantage to the ruler or other owner. They further reflect the *Arthaśāstra* policy of planned colonization of the State-territory evidently with the primary object of developing its resources in the interest of the State.

CONCEPTION OF STATE-STRUCTURE AND THEORIES OF GOVERNMENT

Somadeva's conception of the structure of the State, so far as it goes, is borrowed almost wholly from Kauṭilya. Thus he deals with the seven constituents of the State in successive chapters (XVII–XXIII) following precisely the sequence of Kauṭilya's enumeration. In particular he repeats Kauṭilya's conception of the supreme significance of the ruler (*svāmī*) in relation to all the other State-constituents. With the ruler as a root, we are told (XVII 3–5), all the constituents (*prakṛitis*) fulfil their purpose, but not those without the ruler : giving the analogy of a tree without roots on which all human efforts come to nought, the author further observes that without the ruler the other constituents, be they never so richly endowed, cannot surmount their difficulties. In other words the king is as in Kauṭilya the master-key to the working of the whole State-machine.

We may consider Somadeva's theories of government under two heads, namely, the king and the group of officials.

1. THE KING. Somadeva's scheme of the king's training and discipline follow in general outline and even to some extent in phraseology the ideas of Kauṭilya. The author in one place (v 30–40), after stating how with his intellect trained in the sciences or else inspired by the ministers a king possesses the two roots of rulership (namely, hereditary succession and personal valour), points out the futility of mere heroism without the knowledge of the sciences (*śāstras*). The sciences, the author emphatically observes, are, as it were, the third eye of men in respect of matters not within mortal vision, and the man who has not studied them is truly blind, although possessed of a pair of eyes. This leads the author to denounce in strong terms the king who is a fool, or is incapable of discriminating between right and wrong, or is of perverse intellect. As a means of acquiring intellectual training Somadeva (v 61–6) advocates the king's respectful association with men ripened by learning : the king who does not make such contact perishes soon like an elephant not controlled by the goad, while one who does so attains supreme proficiency. The curriculum of the prince's studies covers the four traditional sciences which the author significantly calls the royal sciences. When the prince is capable of instruction, we are told elsewhere (XI 4) in somewhat extravagant terms, he should be carefully trained in all scripts, in arithmetic, literature, logic and grammar, in politics, in knowledge of games, in erotics, in the art of war and of training horses and elephants. As in Kauṭilya, Somadeva's scheme of the prince's intellectual training is accompanied by insistence upon his moral discipline. Thus in one place (IV 1–7) the author gives a list of the six internal enemies of kings comprising the passions of pleasure, anger, greed, infatuation, pride and excessive joy, and he defines their respective characteristics. In another extract (XVI 1–31) the author, after dividing vices (*vyasanas*) into two classes, namely, the natural and the acquired, states that the former should be remedied by

reference to the happiness resulting from virtue and the grave sins arising from vice, to the legendary tales and to the confidential agents, while the latter should be checked by means of association with the virtuous and avoidance of the sinful, and by listening to tales based upon the lives of great men of the past. In the following lines the author, after indicating the evils following from indulgence in each of the eighteen traditional vices, solemnly observes that a king though possessed of the fourfold army goes to ruin if afflicted with even one of those vices, not to speak of the eighteen together.

2. THE OFFICIALS. The systematic account of the class of ministers (*mantrīs*) and officials (*amātyas*) in two separate chapters (x & xviii) of Somadeva's *Nītivākyāmṛitam* may be taken to supplement the scattered references to the same topic in the author's *Yaśastilaka* which have been dealt with in the preceding chapter. Let us begin with the author's estimate of the king's ministers. Somadeva (x 1–4 ; 55 ; 142) introduces the first chapter quoted above by saying that even an unscented piece of thread ascends the head of a deity through its association with flowers, and even a stone is raised to divinity when installed by great men : again he quotes the traditional account stating that Chandragupta (Maurya) even without any title to the ṭhrone acquired his imperial position through the favour of Vishṇugupta (Chāṇakya) : he is no king, we are further told, who acts in disregard of his ministers, and the king who makes himself self-sufficient destroys everything. In the same spirit the author declares (xi 2) that the minister and the domestic chaplain are the mother and the father of the king, and he considers (x 165) the most serious of all disaffections to be that of the leading officials (*prakṛitis*) : he explains in the same context the significance of deliberation (*mantra*) as well as its objectives and constituent elements. As regards the technique of deliberation, the author (x 5–21 ; 66–82 ; 89–107) deals at some length with the qualifications and disqualifications of the ministers : declaring a fool to be ineligible for consultation like a learned Brāhmaṇa for participation in the funeral ceremony, he illustrates the futility of consulting a fool by the analogy of a blind man leading the blind, and he explains the danger of entrusting the care of a kingdom to fools by the example of raising an evil spirit for one's own destruction : the king, again, is warned against consulting those practising arms on the ground of the proverbial bellicosity of the class of Kshatriyas, and he is cautioned against greedy ministers by the humorous example of an unfortunate bridegroom being forced to practise austerities because of the man sent for selection of the bride marrying her himself. The author, again, while insisting upon secrecy of deliberation, asks the king to fix the number of ministers at three, five or seven : one minister behaves without restraint and loses his wits in difficulties, while two ministers in the event of their being united destroy the kingdom and in the case of their being punished destroy the king : with a group of mutually envious persons it is difficult to ensure unanimity, and the many ministers uphold against

one another the excellence of their respective views. In the foregoing passages the author repeats four important principles after Kauṭilya's pattern. These relate firstly to the political advantage (and indeed, necessity) of the recruitment of ministers, secondly to the analysis of deliberation, thirdly to the selection of ministers for adequate qualifications (namely, wisdom, cool-headedness and honesty), fourthly and lastly to the impolicy of too small or too large a ministry.

Let us next turn to our author's account of the class of officials. We may treat this account under three heads, namely, the basis of recruitment of the officials, the methods of their selection and the principle of their organisation. As regards the first point the author starts his discussion with a number of homely similes (XVIII 1–4): the single king at chess, not to speak of any other king, we read, is not without his official, a single man does not attain success, a single wheel does not move, and fire even with fuel does not burn without being fanned by the wind. As for the second point the author observes that one should be appointed to the post in which he is an adept, for even a man learned in the sciences but without experience comes to grief in discharging his duties. Coming to the third and the last point (ibid. 43–59), the author begins with a brief reference, recalling the fuller and the more vivid description in his *Yaśastilaka*, to the faults of officials: those who are appointed to offices partake of the nature of the Sindhu breed of horses and go astray, while trusting officials is like making over milk to the care of cats: prosperity, according to a saying of the wise, makes the minds of the officials go astray, and every official who becomes highly prosperous becomes impossible to control or covetous of his master's position in the long run. Dealing with the remedy against these dangers the author observes that the officials must be daily supervised and those belonging to the revenue department (*karaṇa*) should have many heads and should be liable to constant transfer: constant supervision, transfer of posts and granting honour are the methods of squeezing money from officials: giving the analogy of vicious boils on the body which do not give up their matter without pressure and that of a bathing suit which does not give up dirt with a single pressing, the author further observes that the infliction of repeated pressure upon officials is, as it were, the stream of good fortune to kings: the mutual quarrels of officials, it is further observed, are an asset of kings, and their prosperity is, as it were, the king's second treasure: he who enhances the receipts of previous years without oppressing the kingdom and with the application of his intelligence and exertion should be awarded wealth and honours.

The above extracts repeat three familiar *Arthaśāstra* principles relating to the theory of government. These are, firstly, the principle of recruitment of the officials based upon universal experience of the insufficiency of one-man rule, secondly, that of selection of the officials for their distinctive qualifications, and thirdly, that of the king's strict control over them founded upon their habitual tendency to abuse their position.

PRINCIPLES AND POLICIES OF GOVERNMENT

The principles of the king's government in Somadeva's work present a double aspect after the pattern of the *Smṛiti* tradition, and especially that of Bhīshma in the *Mahābhārata*. As regards the first aspect, the author asks in one place (XVII 33) who does not become addicted to unrighteousness when the king himself becomes unrighteous? When the king rules justly, we are told on the other hand (ibid. 50–52), all quarters yield the people's desires, the god Indra pours rain in the proper season, all providential calamities are overcome, and all Regents of the Quarters attend upon the king. How these elevated principles are sought to be translated into actual practice is indicated by other passages. Taking politics (*daṇḍanīti*) to mean the infliction of punishment (*daṇḍa*) in proportion to the guilt, the author in one place (IX 2–4) enjoins the king to apply *daṇḍa* for the protection of his subjects and not for grabbing money, for as he scornfully asks, is he a (true) king or a (true) physician who detects faults in his people for the sake of his livelihood? The king, we are told in another extract (XXVI 41–2), should inflict punishment proportioned to the guilt even upon his own son, and he should levy taxes upon the kingdom according to its capacity. The king behaving like a pair of scales for adjudging merits and demerits, we read elsewhere (XXVIII 1), should raise or lower people in the light of their respective merits and demerits.

The second and the contrary aspect of Somadeva's thought (VI 32–41) is vigorously presented by him in a number of passages. Thus the author first observes that while the materialistic philosophy is useful only for worldly affairs, its knowledge enables the king to uproot the thorns of his kingdom. In the following lines the author, after stating how even the acts of ascetics are not absolutely free from blame, how one who is wholly merciful cannot save even the object that he holds in his hands, and how one whose mind is entirely set on forbearance is overpowered by all, observes that forbearance towards offenders is the ornament not of kings, but of ascetics. Proceeding with his argument, the author cries shame upon a man whose might does not fructify in the display of anger and favour, and he emphatically declares that a man not exhibiting his might against his enemies is really dead even though alive, for who would not fearlessly tread upon a spiritless man as upon a heap of ashes? Even that which is really a sin, we are further told, is no sin when it brings in its train a great accession of virtue, and for a king acting otherwise his kingdom involves (residence in) hell. In some other passages (VII 31–2; 35; 37) the author observes that while the Brāhmaṇas generally have a timid nature, the Kshatriyas bear an aggressive character, and again that while the Brāhmaṇa's anger is assuaged by gifts, that of the Kshatriya is quenched only by killing.

In the above extracts the author on the one hand, repeating a lesson emphasized by him in his *Yaśastilaka* inculcates the lesson of righteousness upon the king by pointing to its reaction for good or for evil upon the moral stature as well as the physical well-being of the subjects. In its application

to practical politics this involves a king's infliction of just punishment in disregard of his personal gain and his family connexions with the offender, as well as his just taxation of his subjects. On the other hand the author upholds the application of violence (after atheistical standards) to governmental affairs. This is justified partly by the lesson of universal human experience pointing to the inevitability of violence in human affairs and the frustration attending an attitude of extreme forbearance, partly by reference to the distinctive attributes of the ruling class, and partly on the ground of the greater good justifying the smaller evil.

In contrast with the somewhat complex attitude of Somadeva, Hemachandra's conception of the principles of government is inspired almost throughout by the benign standards of the older tradition, thus furnishing a fresh illustration of his closer application of the principles of his faith to politics. The king, he says, must not inflict the penalty of death or mutilation upon women, Brāhmaṇas and ascetics even for a thousand offences, and he must protect his subjects again and again from oppression by his ministers and assistants : the king is further asked to apply punishment according to the guilt of the offender, and not under the influence of greed or anger or arrogance and to increase his revenue by lawful means : the five sacrifices of kings, the author sums up, comprise punishing the wicked and cherishing the good, increasing the revenue by lawful means, impartiality, and defence of the kingdom against external enemies. The king is further asked to slay those of his enemy's lineage and cherish those of the lineage of his friends, to protect all his subjects without discrimination, to put to death certain types of criminals, to punish officials guilty of taking bribes and always to act for the happiness of the subjects. Should the king, we are told in a second extract (III s.v. *strīgraha* 21–2), not prevent after examination the offences pertaining to the four castes by visiting them with punishment, he would be regarded as guilty of all these offences, and his kingdom would be afflicted with the evils of providential calamities, famine and (premature) death. In a third extract (III s.v. *stainya*, 4–8) the author, after asking the king to feel happy in the happiness of his subjects and sorrow in their sorrow and to cherish the good and punish the wicked, specifically forbids the king to levy taxes out of greed and requires him to punish thieves and rogues according to law. In the above the lessons inculcated upon the king are those of just punishment of offenders (with leniency towards the weaker and the more respected classes), just taxation as well as protection of the subjects against officials and their external security, while the king is further asked to identify himself completely with his subjects.

We may consider Somadeva's account of State policy under two principal heads, namely, those relating to the king's security and to inter-State relations.

1. POLICY OF KING'S SECURITY. Introducing his long chapter (XXIV) relating to the security of the king, Somadeva observes that the king must be constantly protected against his own and his enemy's people,

for with his security everything is secure. Again he says on the analogy of a man all of whose limbs have gone out of joint, frustrating the efforts of the best physician, that all other State constituents, be they never so rich, cannot surmount their difficulties without the ruler. Quoting in this context the opinion of those skilled in policy, the author carefully distinguishes between those who should and those who should not be kept near the king's person. The author next mentions three groups of persons in the ascending order of their nearness to the king's person, namely, his women, his kinsmen and his sons, and he proceeds to state carefully the steps which the king should take for ensuring his safety against each group. As for the first category the author, after a lengthy analysis of the complex nature of women, warns the king (with examples drawn from legendary history) against the danger of trusting them implicitly and granting them extreme independence, while at the same time he shows with a considerable knowledge of feminine nature how to keep them in good humour. As regards the second group the author first warns the king against bestowing honours upon his kinsmen and especially against granting them positions favouring an increase in their military forces and their revenue : the king, however, may favour a kinsman or a son who has never gone against him under the mask of loyalty, and likewise appoint them to suitable posts : kinsmen with a large following, should be brought under control by winning their confidence through trustworthy persons or by setting spies on them : an evil-minded son or a kinsman may be turned away from his purpose by proper reasoning. Coming particularly to the third and the last class, the author points out the vital necessity of training the princes in the king's own interest. The training of princes through the agency of good men, he says, saves the royal family as well as the royal fortune from danger, while by contrast the royal family in which the prince is left untrained perishes at the merest touch with the enemy like a worm-eaten piece of wood : princes who are brought to maturity by trustworthy as well as learned men and are bred in comfort never hate their father. Concluding with a lesson on the reciprocal duties of the father and the son, the author says that the prince should honour his parents who are to him as great deities, and he should never disobey his father's command in any particular, while the king should do no harm to his son whom he has acquired by propitiating the gods. In the above the author, in the first place, following Kauṭilya's authority justifies his policy of safeguarding the king by saying that the king's security is the key to the security of the State and the community. In the second place the author, while repeating the general lines of Kauṭilya's teaching on this point, softens somewhat (no doubt under the influence of his faith) the rigours of the old *Arthaśāstra* master's policy. The king should be on his guard against the women of his household, but at the same time he should humour and honour them in accordance with their nature : again, while not elevating his kinsmen so as to make them a danger to his throne and keeping a watch on the most powerful of them, he should honour individual members of tried loyalty ;

he should provide for the prince's education as his best policy, while the mutual relation of the two should be one of affection on the father's side and honour and obedience on the side of the son.

2. POLICY OF INTER-STATE RELATIONS. In his long and separate chapter (XXIX) dealing with the six types of foreign policy Somadeva, after some general discussions (borrowed from the preamble of Kauṭilya, IX 2) about the twofold source of acquisition and preservation as well as the joint operation of destiny and individual exertion towards the fulfilment of human effort, proceeds to recapitulate some well-known categories and concepts of the *Arthaśāstra* tradition : these comprise the lists of twelve constituents of the State-system (*maṇḍala*), six types of foreign policy (*guṇas*) and four political expedients (*upāyas*) : the author accompanies his recapitulation with definition of the constituent units of each category on Kauṭilya's lines. Repeating an old *Arthaśāstra* concept, Somadeva further declares the test of superiority or inferiority or equality of two States to consist in the relative degree of their equipment with the three 'powers' (*śaktis*) of the king, namely, the intellectual, the material and the volitional. The author shows by quoting the fable of the hare killing a lion the superiority of the strength of intellect to that of one's own resources : this brings him into line with Kauṭilya's estimate of the relative importance of the king's intellectual and other powers. The author, after showing how the nature of the enemy's weakness should determine the mode of attacking him, repeats the old *Arthaśāstra* classification of enemies into two classes, namely, enemies by nature and those arising from some cause : to this he adds in criticism of the schematic grouping of States in the *Arthaśāstra* concept of the State-system that the relations of enmity and alliance are determined not by the geographical situation, but by some operating cause. Somadeva's canon of application of the six types of foreign policy like that of Kauṭilya is pure expediency. One who is losing strength, we read, should make 'peace with agreement' or a treaty, provided there is no risk of violation of terms : one who is gaining strength should wage war against the enemy, provided there is no disaffection among his troops : one who cannot destroy or be destroyed by another should adopt neutrality, provided there is prospect of gain : one who is endowed with great superiority should march against the enemy, provided there are no thorns within his kingdom and no disaffection in his rear : one who is weak should seek refuge, provided he does not thereby become food for others. In this connexion the author shows by homely but effective similes the folly of a king's attacking the enemy's kingdom without securing his own circle of States as well as the danger of seeking refuge from a weak or an unstable king and the disgrace of surrendering to the will of the enemy. The author follows Kauṭilya's estimate of the high value of land in inter-State relations : the acquisition of land, he says, is better than that of cash which in its turn is better than the acquisition of the ally, and he justifies this by the Kauṭilyan argument that cash can be gained with land, while the ally can be purchased with cash. Accordingly

we are told that a king who is asked for land by a conqueror, should surrender its fruits alone, for unlike the fruits land once given is gone for ever. Agreeably with his estimate of the supreme importance of land, the author immediately afterwards observes that with prowess derived from application of the four expedients and with contented subjects even the ruler of a small territory can become a paramount sovereign, and he clinches his argument by saying that land does not come to anyone by family heritage but is won by valour.

Hemachandra's rules and principles of foreign policy (II 1.6–14), although much slighter than those of Somadeva, follow equally the Kauṭilyan tradition. He repeats the lists of six types of foreign policy and four political expedients, defining in each case the component units. The canon of selection of foreign policy is, as before, one of pure expediency. The king, we are told, should make peace when he thinks it likely to yield prospective advantage, and on the other hand feels war to be attended even with a slight disadvantage : he should wage war when he finds himself to be growing in strength and attended by loyal ministers and others : he should attack when he finds his troops to be strong and filled with enthusiasm for fighting the enemy : he should adopt neutrality along with the arts of conciliation, bribery and dissension when his former strength is on the wane : he should divide his forces and take refuge in a fort when the enemy is strong and formidable : he should take refuge with a strong and righteous king when he is unable to secure his safety in a fort.

ATTITUDE TOWARDS WAR AND TERRITORIAL CONQUEST

Following the mature judgement of Kauṭilya, Somadeva in the first instance repeatedly and emphatically deprecates a policy of war. He begins his long chapter (xxx) on war by condemning the king's ministers and friends who advise from the first preparation for war along with abandonment of the kingdom (in case of a reverse) : war, it is argued, is attended with risk of the king's life, while the king's policy as well as prowess is intended for the preservation, and not for the abandonment, of the kingdom. Asking the king in the next place to resort to armed force only when the enemy cannot be conquered by intrigue (literally, 'fighting with the aid of the intellect'), the author points out by analogy and example the superiority of the latter to the former : a very rash king does not enjoy prosperity for long, and the king should unhesitatingly beat a retreat when he is threatened with certain destruction like the moth in a flame. After a short lesson on military strategy the author further observes that one's exhibition of prowess in disregard of his strength is like breaking a hill with his head : on the analogy of a man preferring molasses when he can be cured without the application of poison, resort to war is deprecated when the end can be won with conciliation : only a fool, continues the author, courts destruction for the sake of avoiding a small expenditure, for what wise man would give up his merchandise for fear of paying the tolls and duties ? When one refuses wealth to a strong enemy, his life itself along with his wealth is taken away

by the latter: one should not wage war against a multitude, for even a venomous snake is killed by a multitude of ants. With all his dislike of war as an instrument of State policy and notwithstanding the teachings of his Jaina faith, Somadeva is no confirmed pacifist. When the enemy can be subdued only by force, he says, the application of the other political expedients is like adding the oblations (of clarified butter) to the fire: what other medicine, he asks, will avail when the disease can be cured only with the use of surgical instruments or caustics? The author urges the king to make peace after doing the enemy still more harm than has been inflicted upon himself: for iron does not mix with iron unless it is heated, and it is not forbearance or indifference but display of spirit that makes for peace. In fine, says the author after Kauṭilya and borrowing his imagery, the choice of war and peace should depend upon the relative strength of the two parties: when one's strength is increasing, he should wage war with a weak enemy like a piece of stone breaking an earthen pot: when an equal makes war with another equal, death is certain while victory is uncertain, just as one unbaked vessel being struck with another causes destruction to both: war with a strong enemy is like the fight of a foot-soldier with an elephant. Repeating in the next place Kauṭilya's classification of kings into three types, namely, the righteous, the greedy and the demoniac, the author deprecates taking refuge with the last-named which he says is like deer entering a slaughter-house: the stream of all human undertakings, we read, flows along two channels, the very easy one leading to sin and the difficult one leading to virtue, but while he whose word is like the written decree is honoured by all, he who breaks his word wins bliss neither here nor hereafter. In the next place the author, while referring briefly to the rules of righteous warfare repeats with Kauṭilya the other types of warfare, namely, treacherous fighting (*kūṭayuddha*) and 'silent' fighting (*tushṇīdaṇḍa*): the former means attacking the enemy with a feint, while the latter involves the application of poison and secret overtures through the mouths of artful persons.

Hemachandra's attitude towards war follows more or less closely the above lines. When the enemies can be conquered by means of conciliation, bribery and dissension, he says (II 1. 19–30), war should never be undertaken by the king, for in the event of war victory is uncertain, while loss of men is certain: when a king, being left without any other remedy in a matter involving the application of conciliation, bribery and dissension, makes up his mind to wage war, that is stated to be his proper course: even after sending an ambassador to influence the enemy by cajoleries and threats and to learn his secrets, the king should strive to avoid war, and try to propitiate the enemy by politic means: when the enemy cannot be persuaded by any means to give up fighting, he must certainly prepare for war after weighing mutual parity of strength: but he must not wage war with a strong enemy without seeking refuge with another powerful king, for (even) victory gained in such an event involves loss and repentance: the king should not personally wage war even with a weak king, for victory

in this case brings no glory, while defeat is very harmful. When the king finds no safety even in seeking refuge with a good and a strong king, the author observes in another passage (III 1. 15–16), he should fearlessly wage war on the chance of winning prosperity through victory or heavenly reward through death, and he should not be afraid of sacrificing his very transient body in battle.

The above extracts repeat some of the characteristic ideas of the *Arthaśāstra* bearing on the policy of war. These relate, firstly to the impolicy of war because of its evident risks and by contrast the advantages of a policy of intrigue and of politic surrender, secondly to the justification of war in the last resort and of force as a preliminary to the conclusion of peace, thirdly and lastly to the selection of the policies of peace and war in the light of a comparative estimate of the strength of the two parties. To the above Somadeva adds his plea for an honourable as well as a treacherous and a secret fighting evidently according to the occasion.

We may usefully supplement the above discussion of our authors' attitude towards war with a notice of their brief reference to the settlement of a conquered country. After subduing the enemy, says Somadeva (XXIX 83), the conqueror should win over his kinsmen by making over the land to them, and in the alternative he should afflict them. After the king has won a victory, observes Hemachandra (II 1. 66–8), he should grant amnesty to the adherents of the fallen enemy, and after considering the wishes of them all, he should instal a scion of that house who is devoted to himself, and he should ensure the stability of his own rule by gratifying the latter with rewards. The above extracts evidently involve Manu's principle of settlement of a conquered territory by a victorious king on the basis of selection of a prince of the fallen dynasty as his dependant. To this Somadeva adds the alternative of forcing the enemy's kinsmen to submission evidently in case of their continued resistance.

ATTITUDE TOWARDS MORALITY

As regards the problem of the relation of statecraft to morality, Somadeva's attitude partakes of a mixed character. In the branch of internal administration we have seen how he enjoins upon the king the observance of righteousness and more particularly just punishment as well as the lawful levy of taxes. On the other hand he justifies the king's application of violence partly on empirical and partly on moral grounds. In the sphere of inter-State relations Somadeva (XXIX 73) understands the political expedient of dissension to mean sowing mutual distrust and strife among the enemy's troops by the agency of poisoners and other spies. Again, while laying down the rules of warfare he declares that there is no more potent spell for winning over the enemy's troops than his kinsmen : the king, he explains, should rouse up the kinsmen of one against whom he has undertaken a march, just as one removes a thorn by means of another thorn and in the same way as breaking a *vilva* fruit with another is for one's own advantage. We may refer, lastly, without comment to Somadeva's enumeration of the

demoniac type of conquerors as well as the twofold type of treacherous and 'silent' fighting quoted above. Hemachandra's attitude towards morality in relation to statecraft appears to be similar to the above, though it is expressed in milder terms. He enjoins upon the king, as we have seen, just punishment of offenders and lawful levy of taxes. The political expedient of dissension, according to him (II 1. 19), means procuring mutual alienation of the enemy's ministers and other officials by appealing to their greed and by cleverness of speech. Explaining the rules of warfare he enjoins the king (II 1. 59–62) to wage 'politic fighting' (*nītiyuddha*), and he hints that when the enemy is bent upon evil courses, he should be dealt with as suits the occasion. The above extracts seem to reflect, after the pattern set by Kauṭilya and Bhīshma, a twofold attitude towards morality in its application to statecraft. In the branch of internal administration both Somadeva and Hemachandra inculcate the principle of justice, more especially as regards the king's application of the penal law and the levy of taxes. In the sphere of external affairs on the other hand they justify (Somadeva more explicitly than Hemachandra) the alienation of the enemy's men by the methods of unscrupulous diplomacy, while they condone the use of the utmost treachery and violence in warfare.

CONCLUSION

Let us attempt at the conclusion of this chapter to explain the general significance of the two works we have examined above in the history of our ancient political thought. Of any very striking originality there is in either of these works hardly any trace. On the other hand it is important to remember the high veneration in which the science of polity is held by both. Somadeva begins his work (I 1) significantly enough with salutation to sovereignty (*rājya*) which is said to be productive of the threefold end of life, namely, Virtue, Wealth and Desire. Hemachandra on his part traces the origin of Politics (*rājanīti*), in an extract (I 13–52) quoted elsewhere, to the will of the patriarchs and sages in ancient times. What is more, he tells us (I 8–12) how the archetypal treatise (*Arhannīti*) of which his own work is a summary was proclaimed by the Lord Mahāvīra to King Śreṇika (Bimbisāra) of Magadha at the latter's request. These passages evidently involve the conception of the very high (almost canonical) authority of the science of Politics. With this may be contrasted the attitude of the Buddhist canonists who agree almost from first to last in condemning 'the Kshatriya science' at the bar of Ethics. Again, while the Buddhist canonists in general deliberately make their characteristic principle of righteousness the foundation of governmental policies, the Jaina authors no less emphatically ignore their distinctive moral principle of non-injury (*ahiṁsā*) in deference to the needs of the State administration. Thus the great service done by Somadeva and Hemachandra as well as their forgotten compeers lies in their acclimatisation of the teachings of the late *Arthaśāstra-Smṛiti* tradition among the adherents of their faith.

CHAPTER XXVIII

THE WORKS ON THE TECHNICAL SCIENCE OF POLITY—V THE *ŚUKRANĪTISĀRA*

INTRODUCTORY

The *Nītisāra* ('Essence of Polity') of Śukrāchārya announces itself in its opening verses (I 1–2) to be a discourse delivered by Bhārgava (Śukra) to his demon-disciples. This is of course a transparent piece of fiction invented for justifying the alleged authorship of the work. In the same context (I 2–4) the author declares it to be a summary of the archetypal treatise on *Nītisāra* proclaimed by God Brahmā for the benefit of mankind, thus identifying his book with the work attributed to Uśanas (Śukra) in the *Mahābhārata* story (XII 59) of the origin and development of the science of polity (*daṇḍanīti*). In the absence of all other indications about the date of Śukra's work we have to fall back upon the available internal and external evidence. The author (IV 371–3) knows the *Yavanas* (Muslims) as living apart from the four primary as well as the mixed castes and as inhabiting the North-West region. The *Yavanas*, again, are held to acknowledge other authorities than the *Vedas*, and to possess scriptures composed for their benefit by their sages. The author likewise includes (IV 270; ibid. 304) the doctrines of the *Yavanas* in his list of thirty-two sciences (*vidyās*), these being defined as teaching duties other than those laid down by the *Vedas* and so forth. In another context (IV 849–62) the author mentions no less than nine kinds of forts, while he reproduces Manu's text (VII 74) indicating the immense inferiority of the art of attack to that of defence. Further he enumerates (ibid. 864–89) with a strange blend of older and later arms of warfare, mixed companies consisting of units of infantry, cavalry, transport animals, elephants, chariots and guns, or else those of match-lock men, cavalry, chariots, guns, transport animals and so forth in fixed proportions. The same blending of the old and the new is reflected (ibid. 894–1044) in the author's lengthy account of the characteristics of elephants and horses followed by his description of two varieties of explosive weapons as well as the processes of manufacturing gun-powder and cannon-ball and the method of firing balls from guns. To the above we may add the striking fact that Śukra's work, though possessing more intrinsic merit than Kāmandaka's *Nītisāra*, is not quoted by any of the authors of the great medieval Digests on *rājadharma* and *rājanīti*, while the latter by contrast is quoted by Nīlakaṇṭha in his *Nītimayūkha*. On the other hand it is unthinkable that the author with his usually independent outlook on political ideas lived in the same age as the authors of the *Smṛiti* Digests belonging to the fourteenth

and the following centuries with their stereotyped political notions and conceptions. On the whole then we may conclude that the *Śukranītisāra* is a comparatively late work which must be assigned (notwithstanding evident interpolations) to a period not later than the thirteenth century.[1]

Let us consider in the next place the sources of Śukra's political ideas. The title of the work suggests its affiliation to the famous *Arthaśāstra* school of that name which has been cited several times by Kauṭilya in his *Arthaśāstra*. But none of the distinctive ideas of that school or of the authority of that name quoted by Bhīshma in the *Mahābhārata* (with the important exception of the principle of total distrust of the enemy) seems to agree with the notions of our author. On the other hand the author at the end of his work (IV 1241) claims to have followed the same opinions as those approved by Manu and the rest. We shall presently come across a remarkable instance of Śukra's adaptation of Manu's theory of the origin of kingship. But more often he incorporates whole passages or even extracts from such works as the *Nītisāra* of Kāmandaka, while he shows himself otherwise to be inspired by the ideas of the *Smṛitis* in general. Nevertheless the fact remains that *Śukranītisāra* is distinguished from all other late works on the subject by its originality and independence of thought on a number of important points. There is therefore some point in the author's somewhat extravagant boast towards the end of his book (IV 1243–5) that a work on *nīti* (politics or general morals) like his own does not exist in the three worlds, and that for men dealing with worldly affairs his is the only (true treatise on) *nīti*, while all the rest are bad ones.[2]

SCOPE OF SCIENCE OF *NĪTI* (*NĪTIŚĀSTRA*) AND ITS ESTIMATE

In his conception of the scope of *Nītiśāstra* Śukra differs notably from his predecessor Kāmandaka, although both authors apply the same title (*Nītisāra* or 'the essence of *nīti*') to their works. Kāmandaka, as we have seen, avowedly wrote his work for the instruction of kings in statecraft. By contrast Śukra (I 4; ibid. 6) openly announces his intention to write for the benefit of kings and others. This difference of outlook is reflected in the different contents of the two works. Kāmandaka deals with the topics relating to the king's education and discipline as well as the technique of his consultation with his ministers, the characteristic qualities of the constituents of the State, the policy of ensuring the king's security, the State-system and the policy of inter-State relations, the political expedients and lastly, the art of war. Of the four chapters of Śukra's work, on the other hand, the first and the second alone deal with the duties of the king and the characteristics of the Crown Prince and so forth. The third chapter avowedly deals with general (*sādhāraṇa*) *Nītiśāstra* which is common to the king and his subjects. The fourth and the longest chapter, aptly called the Miscellaneous section, deals successively with the characteristics of friends, neutrals and enemies, the revenue, the State-territory along with the sciences and the practical arts, the duties of the people along with the

arts of planting trees, digging wells, erecting temples and constructing images, law and judicial procedure, fortifications, and lastly, the army. The appendix (*khila*) of this last chapter (ibid. 1246f.) deals with what the author calls the remaining rules of policy relating to the State (*rājya*) as well as the community. *Nītiśāstra* then, according to the author, is much more than the art of government as conceived by Kāmandaka. It is synonymous with the whole body of general morals and rules of good conduct, of which the art of government is only one, although the most important, component part.

Śukra's estimate of the importance of *Nītiśāstra* is in keeping with his view of its scope. Other sciences, he observes (I 4–12), enlighten the people on only one aspect of their activities, but *Nītisāra* is the source of subsistence of all classes, and it maintains the established usage of men. Giving a concrete demonstration, he observes that the knowledge of Grammar, Logic, *Mīmāṁsā* and *Vedānta* is not essential for understanding their respective subject-matters, and that the intelligence derived from the teaching of these sciences by their respective followers is of no avail to persons engaged in worldly pursuits. Without *nīti*, on the other hand, the maintenance of the established usage of all men is impossible just as that of the body is impossible for creatures without food. *Nītisāra*, again, fulfils the desire of all men and as such is approved by them all. While such is the generic significance of *Nītisāra*, it possesses, according to the author (I 6–13), a special importance from the standpoint of the king and the State. Through its knowledge, we read, kings and others succeed in conquering their enemies and gratifying their subjects, while constant success attends kings who are adept in good *nīti*. While *Nītisāra* fulfils the desire of all men and is approved by all, it is especially necessary for the king who is the lord of all. Like diseases overtaking a man who eats unwholesome food, the enemies overwhelm a king who is devoid of *nīti*. The above extracts recall Bhīshma's estimate of the unique significance of *Rājadharma* in comparison with the other groups of duties in the social make-up as explained by us in a previous chapter (X). *Nītiśāstra*, according to the author's view, is the fundamental science in the sense that unlike other sciences which have a one-sided and theoretical significance, it fulfils the universal and essential needs of the individual and the community. In the second place, it is explained that *Nitiśāstra* is the essential means of ensuring the security and prosperity of the king or the State.

We may consider in the present context Śukra's view of the significance of *Daṇḍanīti* and *Arthaśāstra*. Reproducing in Kāmandaka's words his list of the four royal sciences, Śukra in one place (ibid. 151–6) describes the scope of *Daṇḍanīti* as comprising both policy and impolicy, and he gives its etymological definition as meaning the policy relating to *daṇḍa*. In another place (IV 264f.), while enumerating a list of thirty-two sciences (*vidyās*), the author defines *Arthaśāstra* as the science which teaches royal behaviour without conflict with the *Vedas* and the *Smṛitis* as well as the acquisition of wealth by sound methods. In the above the author in the first place

explains *Daṇḍanīti* after the strict traditional interpretation to mean the science dealing with State policy. Secondly, the author combines in his concept of *Arthaśāstra* the connotations of the sciences of Politics and Economics after the *Smṛiti* standards.

IDEAS OF THE SOCIAL ORDER

Śukra's view of the origin of the social order furnishes an instructive contrast with the dominant orthodox dogma on this point. According to the oldest and the most authoritative version of the Brāhmaṇa canonists, as we have seen, society is a divine institution in the sense that not only were its component units created but also their order of precedence as well as their respective functions ordained by the Divine will. By contrast Śukra repeatedly emphasizes the essentially human basis of the social organization. The key to the author's attitude on this point is found in his whole-hearted acceptance of the doctrine of *karma*. In the first extract (I 37–47) the author, introducing his discussion of the origin of class distinctions, observes that *karma* alone is the cause of good and bad conditions on this earth, and that it is no other than one's deed done in the previous birth : men are directed towards virtue and vice by means of desires assuming such forms as would help the fulfilment of deeds done in the previous birth, while it is most certain that everything happens in accordance with the *karma* done in the previous birth. Referring in the same context to the problem of human exertion *versus* destiny, the author says that while intelligent and noble-minded men praise the former highly, the incompetent and the imbecilic follow the latter: while everything here rests on exertion and destiny, these in their turn comprise the two divisions of *karma*, namely, that done in this birth and that acquired in the previous birth. This fundamental concept is applied by the author to the problem of the origin of social divisions. One does not, he says, become a Brāhmaṇa or a Kshatriya or a Vaiśya or a Śūdra or a barbarian (*mlechchha*) by his caste (*jāti*), but these differences are derived from their respective characters (*guṇas*) and deeds (*karmas*) : not all of those who sprang from Brahmā are Brāhmaṇas, and the Brāhmaṇa's strength is not derived from his distinctive caste or from his parentage: Brāhmaṇas, Kshatriyas, Vaiśyas, Śūdras and barbarians are marked by differences of intellectual and moral qualities as well as *karma*. Referring in the second extract (IV 252–63) to the dogma of Divine creation of the social order, the author begins with the characteristic observation that the castes (*jāti*) were divided into four categories by Brahmā in days of yore according to their respective *karma*. The view of those who derive men's division into castes (*jātis*) from their birth, he continues, is based on confusion (?) of differences derived from designations (such as those sprung from the womb, from eggs and from vegetables) and *karma* : the differences between high and low spring from their *karma* and their characters, while *jāti* is called by its distinctive name according to the nature of the science and the practical arts followed by the men. In the same

context the author, after enumerating the *Smṛiti* lists of occupations of the four castes, observes that one who has studied the sciences and the practical arts is the preceptor of all men, while he who has not done this does not become so merely by his birth. In the above extracts the author, while giving his nominal allegiance to the orthodox dogma of Divine creation of the social order, emphasizes the principle that virtue as well as past merit, instead of birth, is the key to the origin of class-divisions. Society as thus conceived is essentially a human association consisting of groups divided according to their deserts. It remains to mention that the author in one place (IV 374–5) avows his belief in the inheritance of hereditary characters by individuals, for we are told that individuals become great through the greatness of the father or the mother or both. But this is immediately qualified by the very characteristic statement that the great sages Viśvāmitra, Vaśishṭha, Mātaṅga, Nārada and others became great not through their birth, but through their supreme austerities.

Let us next consider Śukra's view of the authority and sources of the law (*dharma*) of the social order. One who is devoted to his own duty (*dharma*), we read in one place (I 23 ; 26–30), is endowed with strength, and without this there can be no happiness, since this is the highest austerity : not to speak of mortals on this earth, even the gods become the servants of one who has constantly increased his austerities in the form of performance of distinctive duties (*dharma*), and the king therefore should make his subjects intent on their duties by the application of sound and severe punishment (*daṇḍa*) : when one becomes a king, whether consecrated or not, he should be devoted to his distinctive duty, for otherwise his strength would suffer. Among the characteristics of a king of the type inspired by Goodness (*sāttvika*) the author likewise mentions his devotion to his own duties. In another place the author, while describing his list of thirty-two sciences (*vidyās*), defines *Smṛiti* (IV 294–5) as that where are remembered the duties of the castes and so forth that are not in conflict with the *Veda*. One should not, we read in a last extract (III 63), perform an act which does not lead to heaven and is repugnant to the people, though it might be in accordance with the law. In the above extracts the author repeats, although in an unsystematic fashion, three well-known *Smṛiti* principles, the first supporting the law of the social order by moral and spiritual as well as political sanctions, the second declaring the *Vedas* to be the primary and the *Smṛitis* to be the secondary source of this law, and the third inculcating the invalidation of injunctions, however authoritative, because of their intrinsic immorality and conflict with public opinion.

SOURCES OF THE STATE LAW

Śukra's view of the sources of the State law can be gleaned from a number of isolated statements. The king, we read (IV 528), should investigate suits in the proper order in accordance with *Dharmaśāstra*. More fully we are told (IV 785) that he should apply *Arthaśāstra* without violation of *Dharma-*

śāstra. With the above we may compare Śukra's inclusion of the *Smṛiti* in a list of the tenfold apparatus (*sādhana*) of justice (IV 559), and his definition of *Smṛiti* as including an *Arthaśāstra* content (IV 294–5). We may also compare with the above the author's definition (IV 565) of the court of justice as a place where *Arthaśāstra* is applied in accordance with *Dharmaśāstra*. Turning to the next point we find that the author observes in general terms (III 32) that one should not violate the good usages (*dharma*) of kings, regions, families and relatives, nor should one, though able, violate even in thought the popular usage. Applying this basic principle to the sphere of law and politics, the author says (IV 250–51) that the good king should maintain for the purpose of protection of the kingdom the eternal usages of regions, castes and families as well as the duties laid down by the sages, and the ancient as well as recent usages. The king by maintaining the *dharma*, we are further told, wins fortune as well as fame. The king, says the author in another extract (IV 568–70), should daily scrutinize in the light of principles derived from the canon (*śāstradṛishṭa*) and from regional usage (*deśadṛishṭa*), the usages of castes, regions, guilds and families, and thus enforce their respective duties: the well-established usages of regions, castes and families must be maintained by the king, for otherwise the people would be disaffected. Quoting a text of Bṛihaspati (above, p. 310) on this point, the author next enumerates (IV 570–74) a number of unorthodox practices prevailing among the people in different parts of the country, and he observes that they do not thereby become liable either to penance or to punishment. Those who observe their ancestral and traditional usages (*āchāras*), he concludes, do not thereby become blameworthy, but they become so by acting to the contrary. In the above passages the author in the first place repeats the conception of Yājñavalkya and the later *Smṛitis* about the twofold source of the State law comprising the canon and the technical science of polity, the former taking precedence over the latter. In the second place the author, following the still older *Smṛiti* tradition finds in the canon and in the usages of groups the double source of the State law, and he justifies the inclusion of the latter item on the ground of public policy. Finally he repeats still more emphatically than Bṛihaspati the principle of absolute authority of regional and traditional usages however heterodox they might be in their character.

We may consider in this connexion an important extract (I 292–312) illustrating the operation of the *Arthaśāstra-Smṛiti* laws in actual practice. This extract describes at great length the type of the edict (*śāsana*) which the king should constantly issue among his subjects, which should be constantly proclaimed among them by beat of drum, and which should be exhibited in writing at the junction of four roads. The edict forbids on pain of severe punishment for its violation a large number of offences mostly of a private and partly of a public character. These offences comprise abuse and assault of slaves, servants and so forth, falsification of weights and measures, counterfeiting coins and adulteration of food, accepting bribes,

sheltering certain classes of criminals, insulting parents, learned men and others, fomenting quarrels between husband and wife, master and servant and so forth, damaging tanks, gardens etc., ill-treating those with defective limbs, gambling, drinking, bearing weapons as well as trafficking in various animals and immovable things and preparing deeds of purchase, gift and so forth without the king's permission, appropriating buried treasure as well as lost and ownerless property, divulging the king's counsel and talking about the king's faults, adultery, giving false evidence, forgery, theft and violence as well as treason against the king. This extract, while repeating many of the clauses of the old *Smṛiti-Arthaśāstra* penal law, indicates the method of their implementation by the king.

In another place (IV 781–9) the author includes the king's decree (*ājñā*) in a list of eight modes of judicial decision (*nirṇaya*). The king, it is explained, is the authority where there are neither documents, nor witnesses, nor (proof of) possession, nor (reference to) ordeals : he is also the authority in doubtful cases relating to boundaries and so forth, where it is not possible (otherwise) to reach a decision. This is justified by the argument that the king is the lord of all. The author, however, is careful to add that the king would incur blame if he were to decide disputes arbitrarily. This extract repeats along with its argument the dictum of Vyāsa and Pitāmaha quoted above (p. 315) about the conditions limiting the application of the king's judicial decree.

AUTHORITY AND OBLIGATION OF THE TEMPORAL RULER

Following the precedent of Manu, Yājñavalkya and their successors, Śukra bases his principle of the ruler's authority upon the triple conception of his origin, his office, and his functions. The king, we are told (I 71–2) in the first place, becomes the lord of movable and immovable beings through his own austerities, taking for that purpcse the eternal particles of the gods Indra, the Wind, Yama, the Sun, Fire, Varuṇa, the Moon and the lord of wealth (Kubera).[3] The king, the author observes in an earlier passage (I 20), acquires his might and becomes the protector and director as well as the source of delight through his austerities, and he sustains the earth through his deeds done in his previous birth as well as his austerities. With this may be compared I 122 where it is said that authority (*svāmittvam*) as well as the capacity for giving and earning riches is the reward of austerities and that its reverse is the penalty for sin, and IV 244 where we read that authority (*īśatā*) which is superior to the position of Kubera (the god of riches) is the fruit of no slight austerities, for the man of authority shines on this earth, and no other man is honoured as a deity. The king, we read (I 64–6) in the second place, is the source of prosperity of this world : he is honoured by the aged, and he delights the eyes as the Moon gladdens the sea : should the king fail to be a proper guide, the people would perish like a boat at sea without the helmsman : the people do not abide by their duties without a protector : the people do not observe their duties without the protection

of the king, while the king does not flourish without the people. A king though gifted with good qualities, we are told in a later passage (I 93–4), may sometimes be lacking in dominion over the people, but the people, though they might be tainted with all bad qualities, must never be without a king : like the Queen of Indra the people must never be without a lord. In the third and the last place the author in an elaborate extract (I 72–6) brings out the parallelism between the king's functions and those of a group of deities. The king, we are told, takes his own share (of the subjects' produce) and thus qualifies himself for their protection (his Indra-equivalence) : he directs good and bad actions (his Wind-equivalence) : he induces the performances of *dharma* and destroys its opposite (his Sun-equivalence) : he punishes evil deeds (his Yama-equivalence) : he appropriates his share from all (his Agni-equivalence) : he nourishes all with his wealth (his Varuṇa-equivalence) : he delights others with his qualities and his deeds (his Moon-equivalence) : he carefully guards his revenue (his Kubera-equivalence). The king, continues the author (ibid. 77–81), is one who constantly exercises seven attributes, namely, those of the father, the mother, the preceptor, the brother, the friend, Kubera and Yama, while otherwise he fails to become such : the king endows his subjects with good qualities (the father-equivalence), pardons and supports offenders (the mother-equivalence), instructs people in branches of learning for their good (the preceptor-equivalence), takes his share according to law (the brother-equivalence), guards women and riches as well as secrets (the friend-equivalence), and bestows wealth and inflicts just punishment (the Kubera and the Yama equivalence). In another context (I 21–3) the author, after mentioning the various divisions of time based upon the succession of the seasons, the movements of the stars and the standard of usage or custom in vogue among the people, observes that since the king directs the observance of custom, he is the maker of time. Should time be the authority, the author asks by way of clinching his doctrine, how could the fruit of duties (*dharma*) belong to their performer ? It is through fear of the king's punishment, the author explains, that the people become devoted to their respective duties.

In the above extracts the author in the first place derives the king's authority from his origin in a sense somewhat different from that of Manu and Bhīshma, but agreeing with his own theory of the origin of the social order. The king, it is held, owes his authority to his virtue as well his past merit, even his multiple divinity (as conceived by Manu) being a by-product of this process. Secondly, we are told as in the theory of the *Smṛitis* that the king's office is the foundation of the good (and indeed the bare) life of the individual as well as the stability of the social order. Thirdly and lastly, the author observes after the *Smṛiti* pattern that the king by virtue of parity of functions is equivalent to multiple deities, or else to these along with one's own dearest and nearest relations. The king again, says the author in the spirit (though not in the form) of Manu and Bhīshma quoted elsewhere, is the maker of his Age

and not vice versa by virtue of his enforcement of the vital law of the social order.

As a corollary of the above ideas of the king's authority, follows in the author's thought, as in that of the *Smṛitis*, the conception of the people's duty towards their ruler. One who approaches the king, we are told (II 11 ; ibid. 18–19 ; ibid. 33 ; ibid. 35 ; ibid. 42), should salute him like a second Vishṇu, he should shun loud laughter and so forth in the king's presence, he should not imitate the king in dress and speech, he should constantly wear clothes, ornaments and the like bestowed by the king, he should not think of injuring the king's favourites. The king, the gods, the preceptors, Fire, the ascetics, and those great in character and learning, we read in a fresh extract (III 49), should be constantly served with an attentive mind. The above passages, it will be observed, develop after the *Smṛitis* the principle of the people's obligation to honour their ruler in all possible ways.

Let us now turn to the author's treatment of the complementary principle of the ruler's obligation towards his subjects. Twice in the course of his enumeration of the occupations of the four castes the author observes (I 41 : IV 258) that the Kshatriya's occupation includes protection of the good and punishment of the wicked. Protection of the subjects and punishment of the wicked are included by the author (I 123–4) more particularly in his list of eightfold occupation of the king quoted above. In another place (I 117–21) the author, after enjoining the king paradoxically enough to apply the passions of Desire (*kāma*) and Anger (*krodha*) towards the end of protecting the people and chastising his enemies respectively, warns him against giving way to anger in punishing his subjects. Does the king, he asks sarcastically, deserve to be called a hero by punishing his own subjects ? More solemnly he says that the gods kill and cast down a king who fails in his duty of protection as well as the Brāhmaṇa who does not practise austerities and the rich man who does not make charities : lordship, he concludes, is the reward of austerities while servitude is the penalty for sin. In another place (IV 785–7) the author conveys a solemn warning against the evil consequences of the king's abuse of justice through excessive greed : where justice, he further observes, is awarded with the application of excessive desire, anger and greed, the resulting sin overtakes the parties to the suit, the witnesses, the assessors as well as the king, and therefore the king should cut at its roots and decide the suit after proper deliberation. In the above passages the author evidently reproduces the twofold *Smṛiti* principle of the king's ethico-religious obligation of protection along with its spiritual sanctions and of the king's share of sin for maladministration of justice.

We may consider in this connexion a remarkable passage (I 187) combining the author's ideas of the authority and obligation of the king in a strikingly original fashion. The king, he says, was created by Brahmā for servitude of the people (*prajās*) with his own share as his means of subsistence (*bhṛiti*), as well as their lord for the purpose of their constant protection.

In the above the author, applying Manu's and Bhīshma's doctrine of the king's creation, conceives the king to be the servant as well as the master of the people by Divine ordination. On the one hand we are told that the king is divinely charged with the service of the people in return for taxation, and on the other hand we read that he is divinely entrusted with authority over them for the purpose of their protection.

The clauses of the State law in Śukra's work reflect the principle of the king's authority. We have seen how the author includes in his long list of offences banned by the king (I 292f.) the acts of giving protection to the king's enemy, betraying the king's counsel, talking about the king's faults and not using weights and measures marked by the royal seal. In another extract (IV 93–107) the author enumerates a long list of offenders who should be banished or imprisoned in a fort in a distant land, and made to work on roads with bad and little food : among these are included one who is the king's enemy, the bad minister, one who serves the king's enemies, and one who remains indifferent in the face of an evil befalling the king. The king, we are further told, should quickly put to death those who plan at the enemy's instigation to alienate him from his subjects and his ministers. Not only does Śukra repeat the old *Smṛiti* clauses of the law for the punishment of offences against the king's authority, but he also reproduces the special procedure of the late *Smṛitis* for the trial of such offences. Dealing with the groups of offences technically called the fifty *chhalas*, the ten *aparādhas*, and the twenty-two *padas*, the author (IV 588f.) observes that the king takes up their investigation on his own initiative and without being approached by the party to the suit, or else investigates them by hearing the reports of informers and spies : in this list of offences are included not only major offences against the king's authority such as divulging his weak points, serving his enemies, reviling him, committing treason against him, betraying his counsel, and breaking his seal-mark, but also such minor offences against the king's dignity as entering his presence in a dress outdoing his own, staying near him when he is about to go to sleep and so forth. In another extract (IV 639) treason against the king is included in a list of offences for which the accused cannot appear through a representative, but must put in a personal appearance.

Śukra's discussion (IV 41–59) of the old *Arthaśāstra-Smṛiti* principle of the coercive authority (*daṇḍa*) of the ruler is marked by his characteristic originality. Introducing the discussion, he observes at the outset that *daṇḍa* falls within the competence of the king as he is the lord of all. With this short introduction the author proceeds to state clearly what may be called the case for the application of *daṇḍa*. Repeating the words of a *Mahābhārata* text, he says that even the preceptor who is haughty, who is incapable of discriminating between what is proper and improper, and is addicted to evil ways, must be punished. All undertakings of kings, he further observes, depend upon policy accompanied with *daṇḍa*, and *daṇḍa* alone is held to be the grand support of duties : according to the authority

of the *Veda* killing the wicked like killing animals (at sacrifices) is no killing at all. These arguments are sought to be answered in the following lines. What the great sages, we read, have said in these scriptures about the high merit of small gifts and the fruit of inflicting punishment, is intended for the purpose of inducement (towards virtue) and deterrent (from sin). Can the spiritual merit accruing from the performance of *Aśvamedha* and other sacrifices, the author asks, follow from the mere recitation of the sacred text, and can the merit acquired by forbearance equal that derived from the infliction of *daṇḍa* ? How can the king secure his good by punishing his own subjects ? Such punishments in fact deprive the king of his fame and riches as well as spiritual merit. In the *Kṛita* Age, the author continues, *daṇḍa* did not exist at all, since the kings were wholly virtuous : in the *Tretā* Age *daṇḍa* existed in full as the people were afflicted with a quarter of the sin : in the *Dvāpara* Age *daṇḍa* was reduced to three-fourths as they were afflicted with one-half of the sin, and in the *Kali* Age it was reduced to one-half as they became impoverished through the wickedness of the king. The king, we are next told, is the maker of his Age by means of his directions relating to virtue and vice, and therefore this lapse from virtue is the fault neither of the Age nor of the people but of the king. In the above the author begins by repeating the *Arthaśāstra-Smṛiti* pleas for the king's application of *daṇḍa*. These are, firstly that *daṇḍa* is the king's distinctive function by virtue of his sovereign authority, secondly that the king is entitled to its unlimited application regardless of the offender's rank or status, thirdly that it is the means of ensuring the fulfilment of individual obligations, and fourthly that it is justified at the bar of morality by canonical authority. These pleas are rejected by the author on dogmatic as well as rational grounds, for, while declaring the canonical injunctions in favour of *daṇḍa* to be merely moral admonitions, he observes that *daṇḍa* is inferior to the king's forbearance in the scale of moral values and is in fact morally self-condemned. The author applies instead Manu's and Bhīshma's theory of the king's influence in shaping the Time-spirit so as to derive the origin of *daṇḍa* primarily from the ruler's sins. This is accompanied by his theory of the proportionate decrease of *daṇḍa* matching man's increasing taint with the ruler's sin—an evident adaptation of the *Smṛiti* principle of the adjustment of a man's duties in proportion to his diminishing physical and other capacities.

CIVIL RIGHTS OF THE COMMUNITY AND THE SOCIAL CLASSES

Śukra's attitude towards the old *Smṛiti* concept of the civil rights of the social classes is marked by his usual freshness of outlook. In the first extract (III 42–9) the author, after declaring a land with an inimically disposed king to be not worth living in for a single day and a land with an inconsiderate king as providing no opportunity for acquiring wealth and honour as well as a living, asks what cause of grief should be there, if the mother does not nurse in childhood, if the father does not give good education, and if the king robs wealth, or else if friends, relatives and kings take offence

though well served, or if the house is burnt down by fire or struck by lightning ? When the king becomes unrighteous, we read in a second extract (IV 109–10), the people should frighten him by constantly going over to the side of his virtuous and powerful enemy : one is a king, it is argued, only so long as he is devoted to righteousness, but when he becomes otherwise, the people along with himself quickly suffer destruction. When the king, though high-born, we read in a third extract (II 264–6), becomes averse to merit and policy as well as strength and is unrighteous, he should be repudiated as the destroyer of the kingdom, and the king's domestic chaplain (*purohita*) with the approval of the subjects (*prakṛitis*) should instal in his place a virtuous prince of his family for the purpose of protection of the kingdom. The above extracts mark a progressive advance in the author's conception of public rights of the community. In the first extract he counsels passive submission of the people to the will of the tyrant by invoking the parallel instances of resignation to the unnatural behaviour of the elders and the visitations of providential calamities. This evidently involves the principle of passive obedience of the subjects to their ruler. In the second extract the author advocates passive resistance of the people against the evil ruler in the shape of desertion to the enemy's camp. This is justified by the argument reminiscent of Bhīshma in the *Mahābhārata*, namely, that righteousness is the essence of kingship, while its violation involves both the king and his subjects in a common ruin. The third extract is an open plea for deposition of the sinful and the impolitic ruler and the installation in his place of a virtuous prince of the blood by the *purohita* with public approval. This is evidently based on the principle that virtue and good policy are the essential qualifications of the king, failing which he forfeits his title to the obedience of his subjects. In making this the utmost limit of the people's resistance against the evil ruler, Śukra falls short of Bhīshma's thought in the *Mahābhārata* which, as we have seen, goes to the length of sanctioning tyrannicide.

Besides dealing with the civil rights of the community as a whole, Śukra follows the precedent of Manu and Bhīshma in discussing those of the select class of Brāhmaṇas. In the first extract (IV 1135–6) we are told that the Brāhmaṇa in distress may follow the occupation of a Kshatriya. The Brāhmaṇa's life, the author argues, is the most precious, for he is the source of the Kshatriya power. When the Kshatriya power is very wicked, we read in another extract (IV 1156–8), the Brāhmaṇa should destroy it even by fighting with weapons, and he would not thereby incur sin. Similarly when the Kshatriya stock sinks low and is oppressed by lowly folk, the Brāhmaṇa should certainly destroy the latter by means of fighting. The above extracts remind us of Bhīshma's plea for the private and public rights of the Brāhmaṇas (Chapter X, above). The Brāhmaṇa, we are first told, is entitled in the interest of his self-preservation to maintain himself in an emergency by the profession of arms. This is justified by the extreme canonical doctrine of the mutual relations of the two powers, namely, that the temporal power

is a derivative of the spiritual. Secondly, we read that the Brāhmaṇa is justified in destroying the evil ruler by violent and non-violent means, and in destroying the upstart usurpers of the royal power by violent means.

CONCEPTION OF STATE-STRUCTURE

Śukra's conception of the structure of the State carries forward the old *Arthaśāstra-Smṛiti* view on this point. Referring to the category of seven limbs of the State, he says in one place (I 61–2) that the king is the head, the *amātya* the eyes, the ally the ears, the revenue is the mouth, the army is the mind, the urban and the rural areas the hands and the feet. In another extract (IV 1256–8) the author, while asking the king to apply the arts of treacherous diplomacy against the enemy, points to the analogy of the branches of a tree drying up when its roots grow weak, and he explains that military commanders and so forth without their ruler perish sooner or later. Amplifying this point, he says that of the tree-like kingdom the king is the root, the ministers are the trunk, the military commanders are the branches, the troops are the leaves, the people are the flowers, the territory is the fruit, and the soil is the seed. However fanciful might be the analogies drawn by the author in the above extracts between the State on the one hand and the human body as well as the tree on the other, they obviously indicate a keener appreciation of its organic unity based upon the principles of integration and differentiation, than was achieved by the older thinkers.

THEORIES OF GOVERNMENT

Śukra's views of the theory of government follow the broad lines of the *Arthaśāstra-Smṛiti* tradition, but are likewise marked by his usual flashes of originality. We may consider these theories under two heads according as they relate to the king's office, and that of his ministers and other officials. As regards the first point the author (I 6–28), while tracing the importance of *Nītiśāstra*, observes, as we have stated above, that kings and so forth are able through its knowledge to conquer enemies and gratify their subjects, and that those kings who are adept in good policy (*nīti*) always attain success. While the king's highest duty consists in protection of the subjects and punishment of the wicked, we are further told, neither can be achieved without policy. After some further praise of policy and dispraise of impolicy, the author says that fortune flows from all sides when policy and strength are joined together. The king, the author concludes, should protect all his subjects with the aid of intelligence, strength, valour and policy, for even the lower animals are brought under control by means of valour, policy, strength and riches. In the second extract (I 174–7) the author singles out prowess, strength, intelligence and heroism as the king's pre-eminent qualities. He who is possessed of these qualities, we read, enjoys the earth full of riches, and such a king becomes lord of the earth, while he who is devoid of these qualities though possessed of others fails to enjoy even a slight dominion and swiftly loses his kingdom : it is not the high-born king but

the king gifted with these qualities that is respected, and one is honoured not so much for his high birth as for his qualities of strength, heroism and valour. We have further seen how the author (II 264–5) approves of the abandonment and deposition even of a high-born king if he is averse to merit, policy and strength and is unrighteous. As at the beginning so at the end of his work, the author singles out policy as the pre-eminent qualification of the king. Those kings, we are told (IV 1244–5), who through incapacity or greed do not follow policy are unlucky, and they go to hell after death. In another extract (IV 1294–8) the author, after quoting the examples of Rāma and Kṛishṇa as masters of policy, declares that the reasoning of those versed in policy is conducive to one's complete good. It follows from the above that the qualities of courage, strength, intelligence, heroism and above all policy are the essential qualifications of a ruler, while by contrast birth and riches are of secondary importance. The above fits in with Śukra's view explained above, that merit instead of birth is the foundation of social divisions.

The most considerable body of Śukra's ideas on this point is concerned with his repetition of the old *Arthaśāstra-Smṛiti* principle of the king's self-mastery and self-control (I 91 f.). Of policy, so runs the author's characteristic dictum, discipline (*vinaya*) is the root, and the root of discipline in its turn is self-control, for it is one who is so qualified that succeeds in mastering the sciences. The king should first fit himself with discipline and then successively his sons, his officials, his servants and his subjects. The means of controlling the senses, the author explains, lies in gaining control of one's mind. How can one, it is pertinently asked in this connexion, who is incapable of controlling his single mind attain the conquest of the earth up to the ocean's merge? Among the objects of the senses, namely, sound, touch, form, taste and smell, the author further observes, one alone is enough to cause destruction. The sense-objects which are like poison cause destruction even singly: how then can all the five in combination fail to do the same? The author proceeds to show with illustrations drawn from the epic tradition how the triad of gambling, women and drink is productive of great evil. He similarly explains how hunting, gambling and drink bring discredit upon kings, and how the king becomes happy or suffers misery according as he does or does not give up the group of six passions, namely, pleasure, anger, forgetfulness, greed, pride and intoxication.

Nothing shows so well the author's sense of the high importance of the king's qualifications as his repeated and emphatic contrasts between the good and the bad king. Basing his view upon his notion of rulership founded upon austerities, the author in the first extract (I 29–36) observes that austerities are of three kinds, namely, those inspired by goodness, darkness and passion (*sāttvika*, *tāmasa* and *rājasa*), and that the king assumes his distinctive form according to the type of austerities very much practised by him. The *sāttvika* king, it is explained, is one who is devoted to his own duties, who protects his subjects, who performs all sacrifices, who chastises

his enemies, who is liberal, forbearing, heroic, and free from attachment to worldly objects : the *tāmasa* type is one who is the opposite of the above, who is cruel, intoxicated (with pride or wine), violent and untruthful : the *rājasa* type means one who is haughty, greedy, worldly, deceitful, varying in thought, speech and action, quarrelsome, a lover of low company, self-willed and devoid of policy. After death the first type wins salvation, the second type goes to hell, and the third is reborn as lower animals and inanimate objects : the first type assimilates the elements of the gods, the second those of the goblins and the third those of man. The king who gives up faults and tolerates speaking ill of himself, we read in a second extract (I 83–6), who constantly gladdens his subjects with gifts, honours and entertainments, who is self-controlled, heroic, skilled in arms and is a destroyer of his enemies, who is not self-willed, who is intelligent and endowed with learning, who keeps no evil company and is far-sighted and follows good policy, who honours the aged and is himself honoured by good men, is a part of the gods, while he who is the reverse is a part of the demons and makes himself fit for residence in hell. Those kings, we are told in a third extract (I 125–7), who have not increased their military strength and have not reduced other kings to the position of tributaries and have not protected their subjects well are like barren sesamum : he is a vile king who causes affliction to the subjects, whose acts are censured by them and who is abandoned by rich and virtuous people. He who is very much addicted to the company of actors, singers, prostitutes, wrestlers, eunuchs and low-born persons is exposed to the mouths of his enemies. In a later passage (I 336) the author says that he who fails to punish lying spies is styled a barbarian destroying the lives and property of his subjects. Again he observes (II 247–8) that the king who does not listen to the advice of his ministers relating to his good and evil is a robber in the outward form of a king stealing the property of his subjects.

Let us turn to the author's ideas concerning the office of the ministers and other officials. Introducing the second section of his work on the characteristic qualities of the Crown Prince and so forth, the author (II 1–14) explains the necessity of the king's advisers. A work, be it never so slight, we read, is difficult of accomplishment by a single man without assistants, what to speak of a highly prosperous kingdom ? The king, though he be skilled in all sciences and versed in good counsel, should never deliberate without the ministers : the king should constantly abide by the advice of his councillors and so forth, and never act according to his own will. After indicating the danger of a self-willed ruler the author further justifies the appointment of assistants by reference to the intellectual differences of men and their diversity of behaviour as well as their greater or less success. As a single man, it is explained, is incapable of finding out all these differences, the king should select qualified assistants for promoting the prosperity of his kingdom. This is followed by a strict warning against the danger of selecting bad assistants.

Śukra's ideas of the principles and policies of government likewise bear the impress of the *Arthaśāstra-Smṛiti* tradition without being void of interest or originality. Quite characteristic of the author is his list of the eightfold occupation of the king (I 123–4) comprising punishment of the wicked, subjecting other kings to tribute, afflicting the enemies and acquiring large territories along with charity, protection of the subjects, performance of sacrifices, and lawful collection of the revenue. Equally characteristic is his statement of the threefold behaviour of the king reminiscent of Manu (VII 32) and still more of Bhīshma in the *Mahābhārata* (XII 56.70). The king, we read, should behave like the autumnal Sun towards the learned, like the summer Sun towards his enemies, and like the vernal Sun towards his subjects. Justifying the last point the author argues that should the king adopt mild behaviour towards those other than Brāhmaṇas, the lowly folk would overpower him, just as an elephant-rider overpowers the elephant. With this may be mentioned the author's reference after the Kauṭilyan standards to the king's simultaneous pursuit of two contradictory lines of behaviour, as when he asks the king constantly to destroy the enemy by righteous as well as unrighteous warfare (IV 1171), or when after distinguishing between two lines of policy, namely, one based upon deceit and the other upon concord, he advises the king to practise deceit towards one addicted to the same (IV 1300). The fullest application of this composite line of policy is found in a fresh extract (IV 21–39) developing the old *Arthaśāstra* doctrine of the four expedients of public policy. Here the author, after asking the king to aggrandise or weaken, as the case may be, his weak or powerful ally, and to divide, weaken, oppress and destroy all his enemies by the use of conciliation and other expedients, observes that friend and foe should be brought under the king's own control by appropriate means just as the serpent, the elephant and the lion are brought under control by policy (*upāya*). Declaring in the next place that the beings on earth go to heaven and 'split the diamond' through policy, the author asks that the king should direct the four expedients of conciliation, dissension, gift and punishment in the light of his own reason, severally towards his allies, relations, wife and son, subjects and enemies. The author clarifies his statement with the help of a few illustrations and then observes that the politic king should so act with reference to all the expedients that no ally, neutral or enemy can surpass him. The author next arranges the expedients in an order of descending importance so as to assign the first place to conciliation, the second to bribery, the third to division of the enemy, and the fourth to punishment, although elsewhere (IV 1128) division is somewhat inconsistently declared to be the best of all the expedients. In the above context the author proceeds to explain the methods of cumulative application of the four expedients towards the king's enemies and subjects. Towards the enemy the policy should be one of conciliation and gift, of conciliation and dissension, of dissension and punishment and, lastly of punishment alone according as he is very strong or superior or equal to or inferior : towards the friend the policy should be one of conciliation

and bribery, and not one of dissension and punishment: to his enemy's subjects the king should apply the policy of dissension and punishment and to those oppressed by the enemy that of conciliation and bribery: towards his own subjects, the author concludes, the king should apply the expedients of conciliation and bribery, but not those of dissension and punishment, for then the kingdom would be ruined, while the king's policy should be such that the subjects do not sink low or wax strong. In the above extracts the author repeats the composite (not to say contradictory) lines of the king's behaviour which we have traced back to Kauṭilya as well as to Manu and to Bhīshma in the *Mahābhārata*. In particular he stresses the high potency of political expedients and defines their objective in terms of Manu's conception of the goal of inter-State relations, namely, that of complete external security. The author likewise repeats Bhīshma's warning against the king's exhibition of undue lenience by using the identical analogy of an elephant being overpowered by its rider (an evident illustration of the application of mass psychology to politics), while he deals more independently with the technique of application of the old *Arthaśāstra* category of the four political expedients.

It will be convenient for us to consider Śukra's lines of State policy under three principal heads, according as they relate to a king's measures of security against his sons, his administration of the finances, and his inter-State relations. As regards the first line of policy, the author (II 17–28) begins by solemnly admonishing the king to keep a constant and a very careful watch over his gifted minor sons. Out of greed for his possessions, it is explained, they would slay him if left unwatched, or if they somehow find a loophole for attack, though watched: like lion-cubs swiftly killing an elephant, like a mad elephant not restrained by the goad, princes kill even their father and brother, not to speak of others: even a fool or a child desires sovereignty, what to speak of a young man? With this preamble the author proceeds to lay down a king's policy towards his sons. The king should know their minds through trusted servants and keep them very near his own person: with the help of ministers and others he should make them adept in all sciences and practical arts, in good policy and the art of war, capable of endurance, heroic and disciplined: he should nurse them with tender care and make them fit for the office of Crown Prince, for a royal family in which the princes are left without discipline swiftly perishes, and even a very vicious prince cannot be abandoned lest in his affliction he might slay his father in concert with the enemies: when the prince is sinking in vice, the king should afflict him through the agency of the vicious, and he should thus make the vicious prince easily amenable to control in the manner of rogue-elephants: when, however, his kinsmen are very vicious the king may for the sake of prosperity in his kingdom contrive to get them killed by wild animals or by enemies. In the above extracts the author, while recognising with the *Arthaśāstra* masters the danger to the throne arising from the unprincipled ambition of the princes, suggests some remedial measures on the lines of the last and the

greatest of them, namely, Kauṭilya. These comprise a vigilant watch over the princes and still more their thorough training with the ultimate object of selecting the best of them as the king's successor. For, as the author argues with Kauṭilya, the princes' training is the best guarantee of the stability of the dynasty. Differing slightly from the old *Arthaśāstra* master, however, the author advocates reform (instead of abandonment) of vicious princes in the king's own interest, although he has no hesitation in recommending slaughter of vicious kinsmen for the security of the State.

As regards financial policy the author (IV 117–34), after asking the king to raise revenue in all possible ways for the purpose of maintaining the home and the military administration and of performing sacrifices, conveys the warning that while raising the revenue for proper purposes leads to the king's happiness, it causes his unhappiness otherwise. Clarifying this last statement he strongly condemns spending of the revenue only for the king's own enjoyment and for the sake of his family as well as his raising the revenue in unjust ways. Nevertheless the author has no hesitation in granting the king complete immunity from blame for confiscating the entire property of bad men (namely, those who do not earn and spend their wealth well) as well as sinners : he further permits the king to seize the wealth of the neighbouring prince by force and fraud and by adopting the behaviour of robbers. He is the best king, the author sums up, who increases the revenue by protecting his subjects after the fashion of the gardener (tending his garden) and by exacting tribute from his enemies, he who raises the revenue (by trade and so forth) after the fashion of Vaiśyas is mediocre, and he who does it by means of excessive fines and taxation of pilgrim-centres as well as temples is the worst. The above passages reflect the two conflicting strands of financial policy after the *Arthaśāstra-Smṛiti* pattern. On the one hand the author repeats the older plea for the politic levy and the lawful expenditure of the revenue, and on the other hand he condones the wholesale confiscation of the property of sinners as well as plunder of the enemy outside in the interest of the State.

In the branch of inter-State relations Śukra in his longest chapter (IV) refers to the *Arthaśāstra* category of the constituents of the State-system (*maṇḍala*), while he deals exhaustively with the list of the six types of foreign policy (*guṇas*) and especially the policies of peace and war (ibid. 20–22; 1051–1148). We are here concerned with the second of the above extracts. He alone, says the author, should think of making war, whose equipment is full, who is numerously supplied with arms and who is versed in the policy (*mantra*) relating to the six *guṇas*, otherwise he would suffer misery and lose his kingdom : he who is desirous of waging war should consider the factors of place and time, (the relative strength of) his own and the enemy's troops as well as the policy of the fourfold *upāya* (political expedient) and the sixfold *guṇa* : when, however, the work in hand is very urgent, even though the time is unfavourable, the king should fix the Lord in the recess of his heart and march forth for the battle:[4] when

cows, women and Brāhmaṇas are being killed, there is no question of considering the factor of time. In the next place the author, while defining the characteristics of the six *guṇas* and their principal sub-types, lays down some important principles regarding the application of the policies of peace and war. When the king being attacked by a powerful enemy and having no other remedy finds himself in great danger, he should seek for a treaty (*sandhi*) and bide his time : there is no warrant for fighting against the powerful enemy, in fact the cloud never moves contrary to the wind : on the other hand the prosperity of those who bend before the strong and put forth their valour at the proper time never goes down. Illustrating his lesson with the example of the god Indra who killed the demon Vṛitra after vowing mutual friendship, the author, however, warns the king not to trust the enemy even after making a treaty. A king, we are told in the next place, should undertake war when, being equipped with the factors of place, time and strength, he seeks to rescue himself from danger or is attacked by the enemy[5] : when the enemy is very much self-indulgent and is a robber of his subjects' wealth and is at variance with his ministers and troops, the king should afflict him (by attacking him) from every side : a king very weak in strength should never wage war with a strong and heroic enemy, for in such an event there arises the danger of destruction of men : a king should never wage war without the application of the policies of dissension and taking refuge which are the best of the types of the four *upāyas* and the six *guṇas* respectively : the king should so contrive that the enemy's generals and his ministers as well as his subjects and their wives turn against one another. When one's life is in danger or when one runs the risk of being robbed of all his property, the author sums up, he should wage war after considering the policies of the four *upāyas* and the six *guṇas* in relation to himself as well as his enemy. The author concludes with a stirring address in favour of the Kshatriya's (or the king's) duty of risking or even facing death in the battlefield. When women and Brāhmaṇas are in danger, we are told, the king should never turn back, for he who flies from the field of battle is very much afflicted by the gods. Quoting in this connexion two famous texts (Manu VII 82 and *Mahābhārata* XII 57.3), the author observes that when the king in the act of protecting his subjects is challenged by an equal or a superior or an inferior, he should not turn back in battle out of regard for the Kshatriya's duties, and that like a snake devouring creatures who live in holes, the earth swallows up a king who does not fight and a Brāhmaṇa who does not go abroad for study. It is, the author further observes after a famous *Mahābhārata* text (XII 98), sin for a Kshatriya to die in bed coughing and spitting bile and speaking in a piteous voice. By contrast we are told that it is desirable for a Kshatriya to be killed after slaying his enemies in battle and after being pierced with weapons in his body and surrounded by his relatives. Those kings win heaven who fight without thought of retreat and to the best of their ability with the intention of slaying one another in battle.

The above extracts involve several principles after the old *Arthaśāstra-Smṛiti* pattern. The selection of the policy of war, we are told in accordance with the principles of the *Arthaśāstra*, is a military as well as a political problem, since it involves the consideration of the factors of military strategy and comparative strength of the two parties along with the application of the policy of creating dissension and taking refuge with the strong: war with the weak enemy is a king's opportunity, just as war with the strong is attended with the risk of certain disaster, while war in the interest of self-defence is a king's unescapable necessity. Fighting, it is further observed in the spirit of the *Smṛitis*, is the imperative obligation of the king imposed upon him by the law of his order and the code of his military honour, especially when it is waged in defence of women and Brāhmaṇas and in answer to a challenge. On the other hand, the selection of the policy of treaty is only a question of submitting to superior force, and it should always be accompanied with precaution against treachery.

We may conclude this subject with some reference to Śukra's attitude towards territorial conquest. We have seen how the author (I 123–5) includes the acts of making tributaries of other kings, chastising foes and conquering territory in his list of the eightfold occupation of the king. Emphasizing the king's obligation in this respect, the author says *inter alia* that kings who have not strengthened their forces and made other kings their tributaries are like barren sesamum. In a second extract (I 376–7) the author urges the king to seize the kingdom as well as the entire property of those addicted to evil ways, while giving the conquered a subsistence suited to their merits. In a third passage (IV 1216–20) dealing with the settlement of a conquered country, the author asks the conqueror to provide for the maintenance, at varying rates and in some cases for a specified period of time, of the son and wife of the conquered king as well as of those deprived of the kingdom if they are virtuous, but to afflict those who are vicious. In the above passages the author makes out in the spirit of Kauṭilya a vigorous plea for the policy of a king's territorial expansion, involving supremacy over some states and annexation of the rest.

THE PROBLEM OF THE BRĀHMAṆA DESPERADO

A word may be said in the present place about Śukra's attitude towards the old *Smṛiti* problem of the immunity of the Brāhmaṇa desperado ('*ātatāyī*'). According to the dictates of the *Vedas*, we are told (IV 1149–52), a strong man should save himself even by killing in battle his preceptor who may be a very learned Brāhmaṇa. A Brāhmaṇa who has become a desperado, the author explains, is held to be like a Śūdra, and the slayer incurs no blame whatever by killing a desperado. Quoting a famous text of Bṛihaspati, the author finally says that one is not guilty of Brāhmaṇa-murder, if he slays a desperado rushing upon himself with arms in his hands, and that he is guilty if he spares the latter. In the above extract Śukra implicitly conceives the problem after the *Smṛiti* pattern as involving

a conflict between the principles of the individual's fundamental right of self-preservation even at the cost of killing his assailant and of complete immunity of the Brāhmaṇa's person, and he declares himself emphatically in favour of the former principle on the ground of nullity of the Brahmana's privileges by his violence.

ATTITUDE TOWARDS MORALITY

Let us conclude this brief survey of the tendencies and characteristics of Śukra's political thought with the discussion of a principle involved therein, namely, his attitude towards morality in relation to statecraft. On this important point Śukra, like Kauṭilya long before his time, speaks with two voices. As an abstract principle of government the author often puts forward a vigorous plea for the king's application of righteousness in his own interest and in the interest of his subjects. When the king is devoted to righteousness, we are told in one extract (I 66–70 ; 73) in the words of Kāmandaka quoted above, he secures for himself as well as for his subjects the threefold end of life, but if he acts otherwise he destroys both. Quoting after Kāmandaka the fate of righteous as well as unrighteous kings, the author further enjoins the king to seek Wealth (*artha*) with Virtue (*dharma*) as his guide. The king who is righteous, the author solemnly observes, is a portion of the gods, while he who is the reverse is a portion of the demons, a destroyer of righteousness and the oppressor of his subjects : the king is the destroyer of unrighteousness just as the Sun is the destroyer of darkness, and he propagates righteousness.

The above reflects one aspect of Śukra's attitude towards morality. The other and the more important aspect is indicated by his attitude towards a number of concrete policies of government. Significant of this attitude are the passages (I 382 ; III 77–9 ; IV 1262, etc.) where he repeatedly warns the king against trusting anybody, however trustworthy (outwardly) he might be, and asks him in one place not to repose too much trust in his wife or son or brother or minister or other officers, and justifies this statement by the dictum that the greed for riches, for women and for the kingdom is the greatest among men. In the branch of financial policy the king is advised, (I 380–82) when he is plunged in grave distress, to throw himself into a hill-fort for refuge and operating from that base to recover his kingdom by adopting the behaviour of robbers : he should, it is explained, seize the wealth intended for marriages, charities and sacrifices after leaving a margin of one-eighth for subsistence, and he should confiscate the whole property of bad men.

It is in the sphere of inter-State relations that this attitude is most significant. One should, says he in one place (III 223) in the midst of an admirable lesson for the king's exercise of liberality, forbearance and other virtues, carry the enemy on his shoulders so long as the enemy's forces are superior to his own, but as soon as he is aware of the enemy's loss of strength he should dash him to pieces like an earthen pot on stone. Explaining

with cynical frankness the nature of a king's relations with his neighbours, the author observes in a second extract (IV 8–10) that of a king who is heroic, energetic, strong and politic, all the kings posing as his friends are his secret enemies waiting for their opportunity, for they are all greedy of his kingdom. This lesson is summed up in the cryptic but devastating dictum that the king has no friend and he is the friend of nobody. How the author in the same chapter permits the king to seize the property of the neighbouring prince by force and fraud has been told above. In a third extract (IV 1167–90) the author, after mentioning a number of occasions on which troops are plunged in distress, asks the king to guard his own troops and destroy those of the enemy during those times : such occasions arise when the troops are tired after a long march, or are suffering from hunger and thirst, or are afflicted with famine, pestilence and disease, or are oppressed by robbers, or are troubled by mud, dust or flood or are asleep, or are occupied with their meals, or are deployed on unfavourable ground, or are distracted by the outbreak of fire, heavy rainfall or wind.[6] The king, the author sums up, should constantly slay the enemy by recourse to righteous as well as treacherous warfare. Justifying his plea for treacherous war by the example of divine beings like Rāma, Kṛishṇa and Indra slaying their respective enemies, the author next describes briefly but clearly the characteristics of this type of fighting. Negatively, we are told that the rules forbidding unfair fighting which apply to righteous warfare are not applicable to the unrighteous one. Positively, we read that the king should carefully find out the weak points of his enemy by putting on a cheerful face and uttering sweet speeches while having a heart hard like the razor's edge : having fully afflicted the enemy by obstructing his supplies of water, food and fodder, the king should first attack the enemy on uneven ground, and then crush him with a swift stroke : the king being himself watchful should destroy the enemy's troops when they have been divided by extensive gifts of counterfeit gold, or are lulled into sleep through continued confidence, or are fatigued by wakefulness : the king should prepare for fighting in one instant and run away in the next instant, and he should suddenly sweep upon the enemy from a distance like a robber : he should likewise not allow his nearest adjoining territory to be conquered by another king.

We have to mention yet another long extract (IV 1247–1300) dealing with a king's policy towards his enemies which is found in the last section of the work bearing on the supplementary rules of policy (*nīti*). The king, we read, should search for the weak points of his enemy by bearing in mind that he must bring the enemy under his control even after a hundred years : having equipped himself with good counsel and troops, he should act so artfully that the enemy might suspect his own men and thus be weakened in his counsel and troops : himself remaining circumspect, he should carefully watch the enemy's kingdom by the offer of service and by recourse to the occupation of a merchant. He should destroy his enemy as a huntsman kills a cat, after giving him an assurance of safety, and when his mind is

engrossed with pleasure : he should, though very powerful, first penetrate into the enemy's kingdom by a constant show of mildness and helping him in his undertakings, but when his roots have been firmly planted he should seize the enemy's whole kingdom : he should then bring the enemy's kingdom under his control by destroying its roots, while giving a portion to the enemy's treacherous kinsmen and commanders : he should not trust another king, however trustworthy the latter might be, and he should distract his enemy with wine and women as well as actors and singers. Following the above, appropriately enough, with a high praise of cheats (*dhūrtas*) as well as guile (*māyā*), the author poses a problem set centuries before by the Buddhist author Āryadeva and almost in his own words, namely that relating to the practice of kings who lay down their lives by fighting furiously against one another with the thought that robbing others is their high duty (*dharma*). If the king behaving in this way, so runs the problem, is not guilty of sin, the robbers likewise would not incur the same. To this the author replies by stating that all sins assume the character of virtues because of the difference in the human actors, that what is praised by the many is virtue and what is blamed by them is sin, and that in fact no one can comprehend the mysterious principle of virtue. This is followed, aptly enough, by high praise of wealth as the *summum bonum* of existence. For a policy of guile, we are further told in a brief but effective reference to treacherous diplomacy, no one equals Śrī Kṛishṇa who contrived Arjuna's winning the hand of his own sister Subhadrā by trickery : of the two kinds of policy (*yukti*), one based on guile and the other on concord (or truth, according to another reading), one should adopt the former towards one who practises guile.

The above group of extracts betrays an unmistakable tendency to condone or even approve of the sacrifice of morality for political ends. Following the general trend of *Arthaśāstra* statecraft, the author, to begin with, inculcates the principle of the king's universal distrust, and he justifies this on the ground of the characteristic greed of human nature. In the second place, the author permits the king's wholesale confiscation of the property of his subjects at a time of acute financial distress, thus implying the principle that the necessity of the State knows no law. Thirdly and lastly, the author advocates a policy of total warfare against the enemy based on calculated treachery and atrocious cruelty. The political justification of this policy is furnished by the author's reference to the characteristic selfishness of statecraft, while its canonical justification is found in his application of the two-fold *Smṛiti* principle of the relativity of moral standards and of public opinion as their ultimate criterion to inter-State relations. Summing up the above discussion, we may state that Śukra, while upholding the supremacy of Ethics over Politics as a general principle, helped in practice to perpetuate the long-standing *Arthaśāstra* tradition of a more or less complete divorce of the one from the other.

CHAPTER TWENTY-EIGHT

NOTES

[1] The verse references in the present chapter are to the edition of *Śukranītisāra* with a Hindi translation by Pandit Mihirchandraji (3rd edition, Venkatesvara Press, v.s. 1982, Saka 1847). The original edition of the work by Gustav Oppert (Madras, 1882) is based upon five manuscripts and one obscure printed copy. On the other hand the editions of Jivananda Vidyasagara (Calcutta, 1882) and of the Venkatesvara Press as well as of the Hindu Jagat Karyalalya (v.s. 1998) which occasionally give different readings as mentioned below, are silent about their manuscript-material. There is an English translation of the work by Prof. Benoy Kumar Sarkar (*Sacred Books of the Hindus*, vol. 13, Allahabad, 1914). For the reasons given in the text we are unable to accept the view that the *Sukranītisāra* belongs to 'the same period which produced the *Smṛiti* and the early Epic literature' (Oppert, op. cit. Preface, p. VIII) or the period of the Imperial Guptas (Dr Syamlal Pandeya, in *Śukra kī Rājanīti*, Chap. IX and Dr Vasudeva Saran Agrawala in *Harshacharita, ek sāṅskṛitika adhyayana*, p. 219). The same reasons preclude us from agreeing to the very late date recently suggested by Dr Lallanji Gopal in his paper '*The Śukranīti*—a nineteenth-century text' (*BSOAS* vol. XXV, Part 3, 1962).

[2] A few examples of the incorporation of passages from the older works in the first chapter of the *Śukranītisāra* alone are quoted below. Śukra I 64-5 = Kāmandaka 9-10; Śukra I 71 = Manu VII 4; Śukra I 97-104 = Kāmandaka I 26-7, 29, 39-40, 42-4.

[3] The above follows the reading of the Venkatesvara Press edition (henceforth abbreviated as VP) in the place of that of Jivananda Vidyasagara (henceforth abbreviated as JV) who makes the whole extract an exact copy of Manu's theory of Divine creation of the king.

[4] In the above we have preferred to follow the reading of JV along with his explanation in place of those of VP, although both tend towards the same conclusion.

[5] This follows the reading of JV, since the reading of VP seems to us to be less appropriate.

[6] The above follows the reading of JV instead of that of VP which seems to us to be less satisfactory.

CHAPTER XXIX

HISTORICAL REFERENCES—III PERIOD OF TRANSITION TO THE MIDDLE AGES

IDEAS OF KINGSHIP

THE inscriptions and literary records of the royal dynasties of Northern and Southern India belonging to this period furnish a rich store of historical material for the investigation of the social, the religious and the political institutions in their time. In the present chapter it is proposed to deal with the references to a few political ideas such as can be gleaned from this extensive source.

The ancient Sanskrit work relating to the legendary history of Kashmir, called the *Nīlamatapurāṇa* refers in one place (verse 237) to the author's idea of the origin of kingship in the Happy Valley. Kings in Kashmir, we are here told, are born from the particles of the god Śiva, and therefore they should not be slighted by those desiring their own welfare. This verse is quoted in the well-known Kashmir Chronicle called the *Rājataraṅgiṇī* ('The River of Kings') written by Kalhaṇa with a slight but significant change : this is to the effect (ibid. I 72) that kings in Kashmir are born from the particles of Śiva, and therefore they should not be slighted, however wicked they might be, by a learned man seeking his own welfare. In these passages the authors evidently apply Manu's and Bhīshma's doctrine of divine endowment of the king in the act of his creation by the Supreme Being, with patriotic pride to their own country. The corollary of his doctrine involving in Kalhaṇa's version unlimited obedience of the subjects to their ruler, however, is carried to a point not warranted by the Brāhmaṇa canonists.

The stories of kings in Kalhaṇa's work above mentioned contain frequent references to the principles and policies of government. We begin with the stories of legendary kings. A good king, we are told (ibid. II 31), being distressed at the sufferings of his famine-stricken subjects, confides to his queen that such a calamity must have come over the innocent people through some fault of their own. Another king (ibid. IV 28–9), being smitten with an unholy passion for a merchant's wife, laments his departure from good conduct on the ground that as king he must be virtuous and afraid of slander. If the king robs the subjects of their wives, he asks, who else would punish breaches of good conduct ? A third king, not wishing to stain the merit of his construction of a temple by taking away another's land, tells his people, 'If we, who are to look after right and wrong, commit unlawful acts, who should proceed by the right path ?' A Brāhmaṇa woman

(ibid. IV 84) seeking the same king's protection against another Brāhmaṇa in the act of killing her husband by witchcraft, declares it to be a great humiliation for a king of righteous conduct, if untimely death overtakes his subjects. Commenting on the act of a king in relieving his subjects from affliction, the author observes in an earlier passage (ibid. I 188) that those kings whose only object is to oppress their subjects perish together with their descendants, while royal fortune attends the line of those who would restore what had been destroyed. Coming to the historical period, we may quote an important extract (ibid. IV 344–59) purporting to contain the political testament of the great king Lalitāditya Muktāpīḍa to his successors. Those who dwell in mountains difficult of access, we are told, should be punished even if they give no offence, because sheltered by their fastness they are difficult to break up if they have once accumulated wealth : villagers are not to be left more food-supply than is required for one year's consumption, nor more oxen than are wanted for cultivation of their fields, because otherwise they would become in a single year very formidable 'feudal chiefs' (*Ḍāmaras*) and strong enough to defy the king's commands : when villages acquire clothes and so forth such as are fit for the town, so ends the memorable advice of the king, when kings out of pride neglect to guard the strong places, when the king's servants show want of discrimination, when the upkeep of troops is raised from a single district, when officials are closely drawn together by bonds of intermarriage, when kings look into offices as if they were clerks, there certainly follows a change in the fortune of the subjects. The policy towards the king's officials hinted at in the above extracts is clearly and emphatically expressed in other passages. Of King Uchchala we are told (ibid. VIII 85–113) that he constantly bore in mind the dictum (recalling Manu VII 123), namely, that officials are eager to kill, robbers of other's property, rogues and demons and that the king should protect his subjects from them. This gives the author the opportunity for an instructive comment on the characteristics of officials. The officials, he says, are plagues for the people, rapidly destroying everybody : the crab kills its father and the white ant destroys her mother, but the ungrateful officer (*kāyastha*), when he has become powerful, destroys everything. The official like a poisoned tree makes the ground upon which he grows up unapproachable. The author, after conveying a warning against delay in punishment of the officials, characterises them along with prostitutes and others as being deceitful by nature, and he further observes that they become more dreadful than serpents when trained under a teacher's advice. In the above extracts it is evident that the references to the legendary kings are for the most part of very doubtful authenticity. In fact they would appear to embody the author's own ideas of the principles and policies of government after the best traditional standards. Such, for example, are his references to the principle of political righteousness making its violation react upon the span of the subjects' lives and its observance the moral obligation of the king. By contrast the references to the policy of the

historical kings towards the hillmen and the agricultural classes and especially the officials, are sufficiently realistic to bear an authentic stamp. They refer in the first place to the policy of systematic punishment of the hillmen and wholesale plunder of the villagers with the avowed object of preventing both from becoming a political danger to the king. They involve in the second place the policy of a king's strict control over his officers based upon a principle which is as old as Kauṭilya's *Arthaśāstra*, namely, their habitual tendency towards deceit and robbery. Other principles inculcated in the above relate to the details of the king's civil and military administration, but they need not detain us here.

The legends of origin of the Rajput royal families of Northern and Western India belonging to this period throw an interesting sidelight upon the prevailing ideas of kingship. These legends tend for the most part towards the affiliation of the then ruling families to the two great Kshatriya stocks of the Epic and the *Purāṇa* historical tradition, namely, the Solar and the Lunar races. We may quote here a few typical examples of this nature. The Guhilots, the crest-jewel of the Rajput families of later times, are held in a tenth-century inscription to belong to Raghu's line in the Solar race: according to a ninth century inscription the Pratīhāras were descended from Lakshmaṇa, the door-keeper of his brother Rāma: the Chāhamanas are declared in literary works of the twelfth and thirteenth centuries to have sprung from an eponymous ancestor who descended on earth at the instance of Vishṇu and Brahmā from the Sun's bright effulgence and became as such his son: the Chālukyas are stated in their eleventh century inscriptions to have sprung from the Lunar race: the Rāshṭrakūṭas in a tenth century inscription claimed descent from the Yadu lineage: the Kalachuris of Chedi traced their descent from the Sun-god through his son Manu and Manu's descendant Kārttavīrya and the latter's descendants, the Haihaya kings. More original, but still pertaining to the Epic and the *Purāṇa* tradition is the story of the origin of the other royal dynasties. A tenth century literary work traces the descent of the Paramāras from an eponymous hero born in full panoply out of a sacrificial fire kindled on Mount Abu by the sage Vaśishṭha: according to the later and fuller version of this legend the Paramāras as well as the Chāhamānas, the Chālukyas and the Rāshṭrakūṭas, derived their origin from the sacrificial fire kindled as above by Vaśishṭha for replenishing the Kshatriya stock after its extermination by the sage Paraśurāma.[1] The above references evidently involve an attempt after the *Purāṇa* genealogical lists to trace the origin of the principal royal houses of the time to the gods as well as the ancient heroes and sages. Their sole importance, as such, seems to consist in fixing the stamp of extreme antiquity as well as orthodoxy upon these dynasties. As in the earlier instance there is in this case no reference to a cult of king-worship.

From the above account let us turn to another group of historical references belonging to certain kings of Northern and Western and especially of Southern India. In the inscriptions of kings of the Haihaya

dynasty of Chedi from the time of Lakshmī-Karṇa (*c.* A.D. 1041–70) to that of his fourth descendant Vijayasiṁha (*c.* A.D.1180–95) their predecessors are frequently referred to as Vāmadeva with the usual imperial titles. Again, the Chandella king Trailokyavarman in his record of A.D. 1240 refers to his predecessors in the same distinctive style.[2] It has been plausibly argued[3] that the kings so styled were held to be so devoted to Śiva as to have formed a portion of that god after their death. Turning to the region of Western India, we have to refer to a historical inscription of Western India belonging to the latter part of the twelfth century. This contains an important reference to the spiritual fortunes in life and in death of an obscure chieftain of the Sinda family called Rāchamalla II, who was a feudatory of the Western Chālukya Emperor Someśvara IV (reigned *c.* 1183–9 A.D.). In the record of Rāchamalla's grandson[4] we are told how he attained in his lifetime the epiphany of God Śiva and his attendant spirits as well as other gods, that after his death he was translated to Śiva's heaven, that he subsequently appeared on earth as the manifestation of Śiva in the form of a self-created phallus (*liñga*), and that a sanctuary was raised to him under the name of the god Rāchamalleśvara in miraculous revelation. In Southern India the Imperial Cholas who reigned from the tenth to the twelfth centuries of the Christian era, as we learn from their inscriptions, were in the habit of setting up images of their deceased ancestors in temples. What is more, they used to build memorial temples (Skt., *samādhi*, Tamil, *pattipadai*) over the mortal remains of their ancestors.[5]

The description of kings quoted above from the historical records of Northern and still more of those of Western and Southern India refer to a cult laid down in the ritualistic texts of the Śaiva and Vaishṇava sects. This is concerned with the erection of images of royal and other acknowledged devotees (*bhaktas*) either in separate temples, or else in temples of the deities worshipped by themselves. The devotees, we learn, might be of all castes and might belong to either sex, they might be alive or dead, they might be spiritual teachers (*āchāryas*) or crowned monarchs. According to the elaborate rules of the texts they should be represented in living forms with appropriate coiffures, head-dress, poses of hands, ornaments and so forth. Alternatively in the case of Śaiva sects the devotees might be represented in the phallic form or occasionally the anthropomorphic form of the deity.[6] In the above references, we have historical instances of the application of the *bhakti* cult of the deification of saints to royalties. Of a cult of king-worship as such there is in this case not the slightest trace.

SUMMARY OF THE PERIOD

The first important political principle of the period of transition from Ancient to Medieval India, which extends roughly from the ninth to the twelfth or thirteenth century of the Christian era, is concerned with the theory of creation of the social and the political order by Divine or semi-

divine will. Thus the late *Purāṇas* developing the old Vedic dogma on this point lay down the theory of Divine creation of the four castes as well as ordination of their functions after their respective natures or else their lapse into sin. By contrast the Jaina authors, relating their canonical scheme of cosmic evolution to its present context in time and place, conceive the institutions of the social order to have been the creations of successive Patriarchs in response to man's growing decline from his original golden State of Nature. With more originality Śukra in his work on polity emphasizes the principle that character as well as past merit (*karma*) is the key to the origin of class-divisions.

The second important political principle that may be assigned to this period relates to the various developments of the old *Smṛiti* theory of the law of the social order. While the *Smṛiti* commentators discuss on dogmatic as well as rational lines various aspects of this theory (such as those relating to sources of this law as well as the doctrine of its different standards for the successive Age-cycles and that of the invalidation of authoritative injunctions because of conflict with the prevailing moral standards and public opinion), the *Purāṇas* repeat a number of late *Smṛiti* doctrines (such as those of Divine manifestation of the canon at the beginning of each creation-cycle, of diminishing *quantum* of the law in the successive Age-cycles and of forbidden practices of the *Kali* Age). Among the Jaina authors, while Somadeva upholds after the Brāhmaṇa canonists the authority of the *Vedas* and the *Smṛitis* as sources of the law of the social order, Hemachandra characteristically conceives the *Vedas* to have been the creation of a Jaina Patriarch and to have given way subsequently to the superior authority of the Jaina canonical works.

The third political principle of this period relates to the development of the old *Arthaśāstra-Smṛiti* theory of sources of the State law. Among the *Smṛiti* commentators Medhātithi analyses the tests of authoritative usages among the Āryas in contrast with the usages of the barbarians, while Viśvarūpa, Vijñāneśvara and Aparārka discuss Yājñavalkya's rule of interpretation in the event of conflict between *Smṛitis inter se* as well as between the *Smṛiti* and the *Arthaśāstra*. Among other writers Śukra while repeating the *Smṛiti* list of sources of the State law, justifies the validity of the usages of groups on the ground of public policy, while he goes beyond Bṛihaspati in allowing absolute authority to regional and traditional usages irrespectively of the canonical standards. As regards the authority of the king's executive edict the *Smṛiti* commentators clarifying the older ideas lay down the conditions for its validity (namely, agreement with the sacred canon and custom, or else conformity to public opinion and adjustment to the people's capacities), while they altogether exclude the domain of Sacred Law from its scope. Aparārka, however, admits the overriding authority of the king's executive edict in the exercise of his police functions over well-established private rights of sanctuary. Among the Jaina authors while both Somadeva and Hemachandra allow with the older authorities binding

force to the king's executive edict, Hemachandra further limits the individual's obligation of obedience to the same by the superior authority of the law of his order.

The fourth political principle of this period is concerned with the development of the mutually complementary theories of the authority and obligation of the temporal ruler laid down in the *Smṛitis*. Discussing the connotation of kingship in the context of its rights and duties after the canonical standards, the *Smṛiti* commentators characteristically hold the fundamental test of this office to be not so much birth as status and function. Applying this rational principle to Manu's dogma of Divine creation of the king, Medhātithi argues that the king's authority is founded essentially upon his supreme political status, while its coercive aspect is a corollary of his function of the impartial administration of justice. The implications of the king's obligation of protection are discussed with considerable originality by Medhātithi and less acutely by Yājñavalkya's commentators. References to the *Smṛiti* theory of the triple basis of the king's authority in his origin, his office and his functions as well as the parallel conception of the king's divine and ethico-religious obligation of protection are found in the late *Purāṇas*. The author of the *Kathāsaritsāgara*, the Jaina writers and the author of the technical *Śukranītisāra* refer somewhat imperfectly to the same theories. Nevertheless we may mention that Jinasena lays down a sectarian theory of the Kshatriya's creation by the Patriarch and his consequent obligation of enforcing the Jaina doctrines and practices, while Śukra derives the king's authority from his virtue and his merit in a previous birth and conceives the king to be the servant as well as the master of the people by Divine ordination. The historical records of this period refer to complex theories of the nature of kingship. These comprise the theory of the king's origin from the particles of Śiva, that of descent of the royal families from the Sun and the Moon and so forth, and that of deification of royal devotees before and after death. Of these theories while the first is evidently derived from Manu's and Bhīshma's doctrine of endowment of the king with a superhuman or divine personality in the act of his creation, the second is clearly intended after the standards of the *Purāṇa* genealogists to fix the stamp of antiquity and orthodoxy upon the ruling dynasties, and the third simply involves the application of the *bhakti* cult of deification of saints to royalties after the canonical teachings of the Śaiva and the Vaishṇava sects.

The fifth political principle of this period relates to the development of the old *Smṛiti* theory of the coercive authority (*daṇḍa*) of the temporal ruler. The *Smṛiti* commentators repeat the conception of *daṇḍa* as the divine remedy for man's sin, but they limit its universal application by reference to the claims of certain offenders to immunity from punishment. Medhātithi, in particular, while reproducing Manu's conception of the function of *daṇḍa* in relation to the king and the community, mentions with some degree of originality the double procedure of its application based upon the distinction

between State and private offences as well as between the offences against the secular and the religious law. The *Purāṇas* repeat the older ideas of the function of *daṇḍa*, while they justify its high authority by reference to the fear of *daṇḍa* as the motive force for ensuring respect for authority and prevention of wrong-doing. These ideas are repeated more or less by the Jaina writers as well as the author of the *Mānasollāsa*. Śukra after repeating the above pleas in favour of *daṇḍa* negatives them by a dogmatic as well as a rational argument. For he says that the *Smṛiti* injunctions on this point are merely moral admonitions, and that *daṇḍa* is morally self-condemned and in fact is primarily due to the sins of the king.

The sixth group of political principles belonging to this period is concerned with a miscellaneous body of ideas relating to the theories as well as the principles and policies of government. To begin with the first group of these ideas, the principles of a king's education, of his selection of ministers and control of officers, of the technique of his consultation with his ministers and so forth, are explained more or less on the *Arthaśāstra-Smṛiti* lines by the *Smṛiti* commentators, the authors of the late *Purāṇas*, the Jaina writers and the author of the *Śukranītisāra*. To the above Medhātithi adds a discussion on more original lines of the objectives of the administration of justice as well as of the distinctive aims of the executive and judicial branches of the administration, while Śukra deals at some length with the qualifications of the ruler culminating in his series of clear-cut distinctions between the types of the good and the bad rulers. As regards the other groups of ideas Medhātithi analyses the objectives of foreign policy as comprising the fulfilment of a comprehensive programme of a king's own resources as well as the policy of settlement of a conquered country, while the other commentators deal with the problems of war and territorial conquest. The principles of a king's internal administration involving his paternal treatment of his subjects as well as his complete merger of his interests with their own, along with the equally familiar categories of a king's political expedients and his powers, are treated in the late *Purāṇas*. Among the Jaina authors of the science of polity Somadeva combines after Manu and Bhīshma the twofold principle of political righteousness and violence, justifying the latter on political as well as moral grounds, while Hemachandra is content with inculcating some benign principles of government upon the king. Equally varied is the treatment of State policy by the Jaina writers. For while Jinasena lays down some sound lines of policy (comprising impartial justice, politic treatment of the troops and agricultural development) along with an intolerant policy towards non-Jaina Brāhmaṇas, Somadeva deals (though less drastically than Kauṭilya) with the policy of a king's security against his sons and other members of his household. In the branch of inter-State relations Somadeva in his *Yaśastilaka* indulges in a somewhat academic discussion of their problems which is based on the application of different philosophical standards to their solution, while in his work on polity he repeats a number of familiar *Arthaśāstra* principles. Both Somadeva and

Hemachandra again explain on *Arthaśāstra* lines expediency to be the grand canon of foreign policy, while they discuss more or less in the same fashion the policies of war and peace as well as those of settlement of a conquered country. Śukra in the course of a lengthy discussion of governmental policies on similar lines deals with the objectives of foreign policy, the application of the familiar category of four political expedients and of a mixed policy generally at home and abroad, the policy of a king's security against his sons and that of war as well as territorial conquest.

The next important political principle of this period is concerned with the discussion of the old problem of the relation of statecraft to morality. Among Jaina writers while Jinasena insists upon the antithesis between Politics and Ethics (the latter being identified characteristically enough with the Jaina doctrine and discipline), Somadeva and Hemachandra betray a double attitude towards morality involving a king's observance of justice in the branch of his internal administration along with that of intrigue, treachery and violence in external affairs. The author of the *Śukranītisāra*, while referring to righteousness as the general principle of a king's government, advocates the sacrifice of morality to statecraft in its practical application. We may lastly mention the references in the Kashmir Chronicle reflecting the traditional principle of political righteousness along with the realistic policy of the local rulers towards their subjects.

The last political principle of this period relates to the discussion of the old *Smṛiti* theory of Brahmanical immunities and privileges. The *Smṛiti* commentators, while deriving the doctrine of the two powers (the spiritual and the temporal) from the old Vedic dogma of their respective functions, indicate with Medhātithi a tendency to confine the exaggerated claims made on the Brāhmana's behalf by Manu and Yājñavalkya within specified limits, and with Yājñavalkya's commentators an equally striking tendency to base the Brāhmaṇa's immunities and privileges upon his learning and character rather than birth. With more conservatism the *Purāṇas* base the doctrine of the Brāhmaṇa's proprietary rights upon Manu's theory of his universal ownership and that of immunity of the Brāhmaṇa's person upon the fiction of a decree of the first king. As regards the old *Smṛiti* problem of the Brāhmaṇa desperado based upon a conflict between the two principles of complete immunity of the Brāhmaṇa's person and the individual's fundamental right of self-defence, the *Smṛiti* authorities give their verdict in favour of one or other of these principles, while Śukra declares himself emphatically in favour of the latter principle.

CHAPTER TWENTY-NINE

NOTES

[1] Cf. *JBRAS*, XXII 166f., inscr. of A.D. 971 (reference to Guhilots), *EI* XVIII 95, inscr. of A.D. 838, and Rājaśekhara's *Viddhaśālabhañjikā* I 6 (Pratīhāras); *Pṛithvīrājavijaya* I 76-7, II 1-69 and *Hammīramahākāvya* I 16-17 (Chāhamānas); *IA* XVI 19, VIII

10, inscrs. of A.D. 1010 and 1025-6 (Chālukyas); *EI* XXVIII 153 (Kalachuris); *Navasāhasāṅkacharita* XI 64-76 (Paramāras); *EI* XVIII 235, inscr. of A.D. 871 (Rāshṭrakūṭas).

[2] Cf. *EI* II 297f., XI 139f., XII 205f.; *ARASI* 1906-7, 100f.; *IA* XVI 227f., XVII 224f.; XVIII 211f.; *JASB* VIII part I 481f. (Haihaya kings of Chedi); *IA* XVII 224f., 230f.; (Trailokyavarman). Less conclusive is the equation of Gopāla, the founder of the Pāla dynasty of Eastern India, to the Buddha in the inscriptions of his descendants from Nārāyaṇapāla downwards.

[3] By Dr L. D. Barnett in H. C. Ray, *Dynastic History of Northern India*, vol. II p. 776n.

[4] *EI* XIV 279-81.

[5] Cf. *SII* II 68 of the time of Rājarāja I (erection by king's elder sister of image of her mother in central shrine of Bṛihadīśvara temple at Tanjore); *ARE* 450 of 1908 (temple built by Chola Queen-mother in the reign of her son Uttamachola in the name of her husband and fixing therein his figure in the act of worshipping the deity); *SII* III 26-7 (temple built by Rājarāja I as the last resting-place of one of his deceased predecessors); *ARE* 271 of 1927 of the time of Rājendra Chola (temple built over remains of Chola queen).

[6] T. A. Gopinatha Rao, *Elements of Hindu Iconography*, vol. II, part II, pp. 473-4.

PART SEVEN

GENERAL SUMMARY AND CONCLUSION

CHAPTER XXX

GENERAL SUMMARY AND CONCLUSION

INTRODUCTORY

We have now brought to a close our survey of the political ideas and conceptions of the Indian people during the Ancient period as well as the period of transition from the Ancient to the Middle Ages in the history of their land. This survey has revealed to us one striking characteristic of our political thought, namely, its wonderful continuity. Its foundations were laid in the oldest Brāhmaṇa canonical literature, namely, that of the Vedic *Saṁhitās* and the *Brāhmaṇas*, but thereafter it manifested itself through such varied channels as the literature of the Brahmanical law-books (*Smṛitis*) and *Purāṇas*, the works on the technical science of polity, the canonical and non-canonical works of the Buddhists and the Jainas, the classical Sanskrit and Tamil literature, and lastly, the literature of historical records. And yet its pattern throughout was set for the most part by a number of fundamental principles. It will be our endeavour in this concluding chapter to sum up these principles and to set them forth in the broader perspective of their relation to Western political thought.

IDEAS OF LAW OF THE SOCIAL ORDER AND OF STATE LAW—AUTHORITY OF THE KING'S EXECUTIVE EDICT AND JUDICIAL DECREE

A fundamental conception of the Ancient Indian thinkers is the *Smṛiti* principle of supremacy of the law (*dharma*) of the social order. The origin of this concept may be traced with some confidence to a famous Upanishad text which, applying the old Vedic notion of an omnipotent cosmic law to the sphere of society, conceives *dharma* (identified with truth) as the crown of the social structure completing and perfecting the divine purpose of its creation and ruling the component units with irresistible authority. In the *Smṛitis*, *dharma* is specifically conceived in its concrete sense of the whole scheme of duties incumbent on the units of the social system, and it is derived with equal concreteness from the threefold source of the Vedas, the Sacred Tradition and good custom (or convention), although Manu and Yājñavalkya add one or two subjective sources to this list. The further development of the theory of *dharma* in the *Smṛitis* and allied works involves the combination of dogmatic with rational principles. The former principle is expressed in such doctrines as the infallibility of the *Vedas* and the invalidity of usages at variance with the canon. The latter principle finds expression in such forms as the doctrine of duties of the social units in

times of distress, that of enlightened opinion as the criterion of *dharma*, that of invalidation of ancient authoritative practices and canonical injunctions on the ground of their conflict with the current moral standards and public opinion, the doctrine of distinctive standards and authorities of *dharma* in the successive Age-cycles, that of proportionate decline in the *quantum* of *dharma* accompanied with the equally proportionate facility of its acquisition during those cycles because of the growing physical and moral decay of men, and lastly, the doctrine of forbidden practices of the *Kali* Age which is based on the conception of binding authority of the conventions of good men abrogating outworn ancient practices in the public interest.

The influence of the *Smṛiti* theory of *dharma* explained above may be traced in the parallel systems of thought. Among the writers on the technical science of polity Kauṭilya reproduces the *Smṛiti* doctrine of derivation of the law from the Sacred Canon as well as that of the political and spiritual sanctions accompanying its observance, while Kāmandaka and the author of the *Bārhaspatya-Sūtras* repeat the *Smṛiti* theory of enlightened opinion as the criterion of *dharma*, and Śukra reproduces in general outline the theory of its authority and its sources. Among the Jaina writers Somadeva following the *Smṛiti* authority holds the *Vedas* and the *Smṛitis* to be the sources of *dharma*, Hemachandra by contrast conceiving the *Vedas* to have been superseded at a later date by the superior ethics of the Jaina canonical works.

Parallel to the conception of *dharma* quoted above and following as a corollary from the same is the *Smṛiti* view of the authority and sources of the law administered at the king's court, or more briefly, the State law. The early *Smṛitis* conceive a twofold source of this law, namely, the canon in all its branches and custom (or convention) of various local, social and economic groups. To the above Kauṭilya adds two other sources of law, namely, current (*Arthaśāstra*?) law and reasoning, as well as a double rule of interpretation in the event of conflict of laws. In the following period Manu repeats and develops the old *Smṛiti* view of the twofold source of State law, while Yājñavalkya more or less following Kauṭilya's pattern implicitly recognises *Dharmaśāstra* and *Arthaśāstra* as the joint source of this law and lays down a double rule of interpretation in case of conflict of laws. The late *Smṛitis* discuss in the context of Manu's twofold source of State law the authority of conventions of the social units and that of heterodox regional usages as well as the conventions of merchants, while they seek to distinguish between the respective jurisdictions of the two sets of laws. Among the *Smṛiti* commentators Medhātithi deals with the tests of authoritative usages among the Āryas in contrast with the usages of barbarians, while Viśvarūpa, Vijñāneśvara and Aparārka discuss in different ways Yājñavalkya's doctrine of interpretation in the event of conflict of laws. Among the technical writers Śukra, while reproducing the *Smṛiti* view of the canon and the usages of groups as the twofold source of

the State law, emphasizes the principle of absolute authority of regional and traditional usages irrespectively of their compliance with the canonical standards.

While the canon and good custom remain throughout the two fundamental sources of the State law in the ideas and notions of our ancient thinkers, we notice in Kauṭilya the emergence of two new concepts, one investing the king's executive edict with the force of law, and the other giving the king's decree overriding authority over all other processes of judicial decision. The former doctrine is incorporated into the *Smṛiti* literature by Manu and Yājñavalkya, and the latter by Nārada, Bṛihaspati and Kātyāyana. The former principle is limited implicitly at first and afterwards explicitly by the traditional *Smṛiti* conception of supremacy of the law of the social order, as well as that of the rule of State law in the branch of the king's internal administration, other limitations being based upon the requirements of human reason and the public good. As regards the latter principle, the later *Smṛitis* limit its application in different ways so as to make it applicable when the evidence is equally balanced on both sides, or is altogether wanting, and to make it conform to the canon and the verdict of the assessors. The above limitations on the authority of the king's executive edict are repeated more or less by the Jaina writers.

Let us compare in the present place the Indian and the European ideas of the sources of law with special relation to the temporal ruler. A fundamental conception of the medieval European thinkers which may be traced through the writings of the theologians, the civilians, the canonists and the feudal jurists down to the thirteenth century is that law is primarily the custom of the community. From the thirteenth century onwards we can trace definitely the emergence of a new notion of law as expressing the will of a conscious legislative authority, the law in this case being held to be established by the prince with the counsel and consent of the great men, and more generally of the whole community. Simultaneously there arose under the influence of the revived study of Roman Law the fresh conception that the prince is the sole source of law, and this conception which was at first isolated and academic in character assumed a real importance in the sixteenth century when a number of writers joined the theological and legal ideas set forth above into a complete theory of absolute monarchy[1]. In contrast with the above, a fundamental principle of the *Smṛitis* from first to last is, as we have just observed, that the law of the social order is derived from a twofold source, namely, the canon and custom (or convention), the former taking precedence over the latter. It is true that the *Smṛitis* from the first lay down principles for adjusting the law of the social order to the opinions and sentiments as well as capacities of the people, and further that Yājñavalkya and the later *Smṛitis* hold *Dharmaśāstra* and *Arthaśāstra* representing the systems of the Brāhmaṇa canonists and the political thinkers respectively to be the joint source of the State Law. But of any Indian parallel to the Western conception of law as the expression

of the will of the community, there is no trace. Again, while the *Smṛiti* authorities from the time of Manu and Yājñavalkya conceive apparently after Kauṭilya that the king's executive edict has the force of law, they limit its authority at first implicitly and afterwards expressly by reference to its *Smṛiti* milieu. A doctrine declaring the king to be the sole source of law is unknown even to the most extreme champion of the authority of the temporal ruler among our ancient thinkers.

AUTHORITY AND OBLIGATION OF THE TEMPORAL RULER

Anticipating the *Smṛiti* theory of the temporal ruler's relation to his subjects, the Vedic *Saṁhitās* and the *Brāhmaṇas* hint at a twofold principle, that of the king's authority founded upon his association or even identification with the gods in various ways, and that of his obligation based upon the conception of the high moral purpose of his office : the former principle preponderates in their ideas and notions over the latter. The Vedic *Saṁhitās* and the *Brāhmaṇas* likewise refer to a double theory of the origin of the king of the gods, evidently as a prototype of the origin of the earthly king : one theory is based upon his creation and endowment by the Highest Deity, and the other is founded upon his election by the gods in the interest of their external security. The *Smṛiti* theory of kingship comprises from first to last two mutually complementary principles, one justifying the king's authority on the triple basis of his origin, his office and his functions, and deriving therefrom the subjects' duty of honouring and obeying their ruler, and the other interpreting the king's obligation of protection in its threefold aspect, namely, the divine, the ethico-religious and the quasi-contractual. The *Smṛitis*, moreover, apply the law of *karma* in its literal as well as constructive sense in support of the ruler's obligation of protection. The above ideas are repeated in the *Purāṇas* which, moreover, seem to repudiate in their versions of the story of kings Veṇa and Pṛithu the extreme development of the principle of the king's authority involving the ruler's claim to divine honours as well as the unlimited obedience of his subjects. Among the *Smṛiti* commentators Medhātithi understands Manu's dogma of the king's Divine creation in a remarkably rationalistic spirit, while he discusses the traditional principle of the king's obligation from the point of view of its scope, its nature and its content. The far-reaching influence of the above-mentioned double conception of the king's relation with his subjects may be traced in the clauses of the *Smṛiti* State law and law of penance as well as rules of ceremonial impurity.

The Buddhist theories of the creation of kingship by a Governmental Compact, which are set forth in the context of the canonists' remarkable theory of cosmic evolution, seem to give a historical justification for a concept which is as old as the early *Smṛitis*, namely, that of the king's quasi-contractual obligation of protection just mentioned. Even in its archetypal and complete form, however, as we find it set forth in an extract of the Pali canon, it is presented before us in the context of a discussion of

the relative social precedence of Brāhmaṇas and Kshatriyas, and nothing more. In later works the theory is presented in connection with the story of the advent of the Buddha and so forth. In the result, the Buddhist ideas of the authority and obligation of the temporal ruler are wanting in that logical consistency which is the characteristic of the Brahmanical theories. In the Pali canonical and non-canonical works we have such popular conceptions as that kings are gods by human convention, that obedience of the subjects is a matter of necessity, and that protection is the natural and necessary function of the ruler. Āryaśūra in his *Jātakamālā*, studying the question from the standpoint of Buddhist ethics, refers to the king's moral obligation of protection in return for the willing obedience of his subjects, while Āryadeva in his *Chatuḥśataka* asserts outright the doctrine of the sovereignty of the people with the ruler serving them for wages. Writing from a dogmatic standpoint the author of the *Suvarṇaprabhāsa-sūtra* justifies the king's authority by an evident adaptation of Manu's well-known theory of Divine creation of the temporal ruler.

The Jaina theory of the evolution of man and his social and political institutions, like the Buddhist, has no direct bearing on the authors' conception of the mutual relations of the temporal ruler and his subjects. Accordingly, the Jaina conceptions on this subject partake of the miscellaneous character of the Buddhist notions. While Somadeva and Hemachandra follow the *Smṛiti* principle of the ruler's authority or obligation or both, Jinasena mentions a sectarian theory of the ruler's obligation based on an equally sectarian view of his origin.

The theories of the technical works on polity follow, as far as they go, the *Smṛiti* pattern. Kauṭilya's *Arthaśāstra*, indeed, is wanting in a true theory of the king's relations with his subjects, although he exploits current ideas of the king's origin and office for the purpose of political propaganda in the interest of public security. Kauṭilya, however, repeats and amplifies the old *Smṛiti* clauses of State law relating to the king's authority as well as his obligation. Kāmandaka bases the king's authority upon the *Smṛiti* principle of the high significance of his office, adding to it the further familiar conception of the indispensable qualifications of the ruler. Lastly, the author of the *Śukranītisāra*, slightly varying the *Smṛiti* precedent, conceives the king's authority to be derived from his superhuman origin on the ground of his virtue and past merit as well as from his office and functions, while he repeats the *Smṛiti* principle of the king's ethico-religious obligation of protection. The author further reproduces the *Smṛiti-Arthaśāstra* clauses of the State law in support of the king's authority.

The influence of the *Smṛiti* ideas above mentioned is reflected likewise in our great literary works. In the *Rāmāyaṇa* the principle of the king's authority is founded upon the conception of the high significance of his office and his functions as well as that of his equivalence to the minor deities. From this the author draws the corollary of the subjects' duty to honour the person and respect the authority of their ruler. But he condemns by

implication the extreme development of this doctrine implying the king's absolute immunity from punishment and the subjects' unlimited obligation to honour their ruler. With the above the *Rāmāyaṇa* combines the triple principle of the king's obligation in the *Smṛitis*. References to the *Smṛiti* conception of the authority and obligation of the ruler are found singly or collectively in other literary works of the same period, such as the *Pañchatantra* and the *Pratimā-nāṭaka* drama of the poet Bhāsa belonging to the classical Sanskrit literature, as well as the *Kural* and the *Śilappadikāram* of the Tamil classical literature. What significance belongs to the twofold doctrine of Divine creation of the ruler and his quasi-contractual relation with his subjects, forming in part the basis of the *Smṛiti* theory of the king's authority and his obligation respectively, will be discussed by us in another place.

PRINCIPLE OF RIGHTEOUSNESS OF THE TEMPORAL RULER OR POLITICAL RIGHTEOUSNESS

The beginnings of the conception of justice or righteousness in its application to the State and Society may be traced back to the Vedic literature. Reference is made in *Śatapatha Brāhmaṇa* (v 4.3.12 & 4.4.5) to a king as being incapable of a cruel deed and capable of speaking and doing only what is right, and in *Bṛihadāraṇyaka Upanishad* (i 4.11.14) to the concept of *dharma* (identified with truth) as the crown and completion of the social structure by divine ordination. The early *Smṛitis*, true to their principle of the subordination of Wealth to Virtue, inculcate upon the king principles and policies of government involving the conception of a Welfare-State and that of the ruler's complete identification with his subjects. In the *Mahābhārata* Bhīshma and his authorities, justifying the application of righteousness to the affairs of government, declare righteousness to be the essence of kingship, and they further explain how the king's attitude towards this principle is attended with profound repercussions on the individual and the community through its influence upon man's physical environment. And yet it must be observed that this conception of righteousness in relation to the king is subject to the canonists' fundamental principle of supremacy of his *dharma* or the law of his order, a law which from the first is conceived in such elastic terms as to admit rules and principles dictated by the king's military honour and State-policy. Thus the *Smṛitis* simultaneously with their insistence upon political righteousness advocate a policy of war and conquest in accordance with their own standards of the king's behaviour. In the *Mahābhārata* Bhīshma explains the principle of political righteousness in such a way as to involve not only the king's high moral qualifications and his fullest protection of his subjects, but also his selection of qualified ministers and his application of foreign policy on the principle of expediency. What is more, while the early *Smṛitis* justify killing of foes in battle in accordance with the law of the king's order, Bhīshma in the *Mahābhārata* applies the standard of expediency to certain phases of his

statecraft of admittedly dubious morality, and he justifies this by a threefold argument comprising the double *Smṛiti* principle of the Kshatriya's distinctive duty and of duties of the castes in times of distress, as well as the *Arthaśāstra* principle of the supreme importance of the State in the interest of the individual and the community. The first principle is pressed by Bhīshma to the point that the king's duty is independent of the conventional moral standards, the second leads to the dangerous doctrine that violence is the law of life, and the third is developed to mean that the State represented by its two pillars of the revenue and the army is the foundation of law or righteousness (*dharma*) as well as the safeguard of the bare existence of the people. This conception of the unique tendencies and characteristics of the temporal ruler involving the notion that his behaviour is based upon cruelty and treachery and that his governmental principles and policies are founded upon self-aggrandisement and violence, finds its most emphatic expression in the minor didactic extracts of the *Mahābhārata*.

The theories of the Buddhist canonists, in contrast with those of their Brahmanical rivals, involve the absolute and unqualified application of the principle of righteousness to Politics. Righteousness, we are told from first to last, is the essence of kingship as well as the king's best policy. This means that the king is not only to adopt a virtuous line of conduct after the high standards of Buddhist ethics, but is also to direct his principles and policies of government towards the end of complete happiness of his subjects and even the well-being of the dumb animals. The king's attitude towards righteousness, we are further told, reacts upon the moral stature and (through its influence upon man's environment) upon the physical health and happiness of his people. The Buddhist Āryadeva, in his short but significant polemic against the Brahmanical reference to the king's distinctive duty as the norm of his State policy, emphasizes the principle of a unitary moral standard applicable as much to the king as to his subjects and as much to the king's public as to his private acts. The above conception of the principle of righteousness in relation to kingship is repeated in the pictures of the ideal World-ruler in the Buddhist canonical works. The World-ruler's conquests, we read, are won not by the sword but by righteousness, while his rule is directed towards the complete security as well as temporal and spiritual happiness of his subjects, and his supremacy is founded upon the willing submission of his vassals to his holy precepts.[2]

Let us compare in the light of the preceding discussion the Indian and the medieval European conceptions of law and justice in relation to political authority. The two great and closely related principles of political theory in the Middle Ages of Europe are the conception of justice as the purpose or function of political society and that of the supremacy of law as the embodiment of justice. The principle of justice ' was set out by the Roman Jurists of the Digest and the Institutes, by the Christian Fathers, in the political treatises of the ninth century, by the political theorists of the Middle Ages,

and by the medieval Civilians and Canonists'. The common judgement of medieval thinkers and jurists is emphatically expressed by such writers as John of Salisbury who holds that 'the difference between the king and the tyrant is that the former obeys the law while the latter flouts it', Bracton who says that 'while the king is under no man, he is under god and the law', and that 'there is no king when mere will rules and not the law', and Nicholas of Cusa who says that 'when the laws are not supreme there is no polity'.[3] The Indian theory presents an instructive similarity and contrast with the above. The *Smṛitis* from the first uphold the principle of the supremacy of law (*dharma*) of the social order over the king, while conceiving this law to be sufficiently elastic to admit rules and principles of statecraft dictated by the king's military honour and State policy. Under the dominating influence of these ideas Bhīshma in the *Mahābhārata* justifies an admittedly questionable phase of his statecraft in part by the argument that the law of the Kshatriya's order is independent of the conventional moral standards. The picture drawn by Manu and still more by Bhīshma of the appalling consequences of the absence of kingship with its coercive authority involves the notion that political authority is the foundation of law of the social order. But there is nothing to show that this law is identical with justice, although both are indicated by the same term *dharma*. The Buddhist canonists uphold from first to last the conception of justice or righteousness as the essence of kingship, but they interpret this principle not in terms of an authoritative law, but in those of a bundle of the king's moral qualifications and profoundly altruistic principles and policies of government. To the medieval European conception of an integrated theory of law and justice in relation to the ruler the Indian thinkers furnish no parallel.[4]

THEORIES OF CONTRACTUAL RELATIONS BETWEEN THE TEMPORAL RULER AND HIS SUBJECTS

The conception of the king's duty of protection in return for taxation, or in other words that of a quasi-contractual relation between the temporal ruler and his subjects, runs normally through the ideas and notions of the *Smṛitis*. Significant of this attitude is the characterization by Baudhāyana, Bhīshma and Nārada of the king's one-sixth share of the agricultural produce as his 'subsistence' (*bhṛiti*) or his 'wages' (*vetana*). The relative implications of the king's ethico-religious and his quasi-contractual obligation of protection are further discussed acutely by Medhātithi. The Buddhist theory of the evolution of man and his institutions furnishes a quasi-historical justification for the principle of contract by tracing the creation of the State to a bilateral Governmental Compact made by the people with their original ruler for escaping from the evils of the State of Nature. The extreme development of this principle of contract is found on the one hand in a work of the Buddhist Āryadeva and on the other hand in the technical work on polity called the *Śukranītisāra*, the former declaring the king to be a servant of

the people with his one-sixth share as his subsistence and the latter stating the king to have been ordained for the service of the people with the taxes as his wages.

Let us now compare the Indian and the European conceptions of contractual relations between the temporal ruler and his subjects. 'The Medieval European conception of contract was a natural conclusion from the principle of election or recognition of the ruler by the community and the mutual oaths of the ceremony of coronation' going back to the ninth century. It was founded upon a principle which was common alike to the political system and the theory of the Middle Ages, namely, that 'the obligations of the prince and people were mutual obligations', and that 'these are expressed in the law'. It was expressed differently by different writers of the eleventh and twelfth centuries, as when Manegold of Lautenbach spoke of deposing the ruler who had broken his contract, John of Salisbury of the lawfulness of slaying the tyrant, and the feudal lawyers of the refusal of a vassal to discharge his feudal obligations to the lord who had failed to do him justice according to the law. It was reaffirmed by the sixteenth century writers who held with the author of the *Vindiciae contra Tyrannos* and Althusius that 'the contract between the chief magistrate and the community was a part of the constitutional systems in almost all modern kingdoms' and with Richard Hooker that 'the whole body of public laws of the community constituted the terms of the contract'. Among these writers, both Protestant and Catholic, the theory of contract found its support in the twofold doctrine that the authority of the ruler was derived from the community, and that sovereignty meaning the supreme power in the commonwealth likewise belonged to the community, while this in its turn led to the doctrine of resistance of the subjects against their ruler.[5] The Indian theories of contract in comparison with the above present some slight resemblances but still greater differences. Dealing with the mutual obligation of protection and taxation alone, they failed to go into the roots of political obligations of the ruler and the ruled. According to the fundamental *Smṛiti* conception, it is true, the reciprocal rights and duties of the king and his subjects are founded on law (*dharma*), but this is derived from the joint source of the canon and custom (or convention), and not from a mutual agreement forming the basis of those relations. The essential weakness of the Indian theory is that it bears no relation to the current political system of our land. Hence it could never rise to the level of its European counterpart which, as has been well observed,[6] was the general assumption of all medieval political theory and ranked next to the supremacy of law as its most important principle. It is true that the remarkable doctrine of popular sovereignty laid down by Āryadeva and the author of the *Śukranītisāra* is based upon the conception of the relation of taxation to protection, the latter deriving it further from the fundamental dogma of the king's Divine ordination. But these doctrines are merely isolated statements having little or no bearing upon the general trend of our ancient political thought. As

regards the doctrines of resistance of the people against the evil or the incompetent ruler, they are supported, as we shall presently see, by such arguments as the dogma of derivation of the temporal power from the spiritual so as to render the might of the Kshatriya innocuous against the Brāhmaṇa, and the conception of righteousness as the essence of kingship. But they rest in no known instance upon the principle of a mutual agreement between the king and the people, not to speak of the conception of the community as the ultimate source of political authority.

It remains to consider the parallels, if any, between the Indian ideas of the origin of Society and the State, and the contract theories of the seventeenth century European thinkers, such as those of Grotius, Hobbes, Pufendorf and Locke.[7] Beginning with the authoritative theories of the Brāhmaṇa canonists, we find that one version of Bhīshma's theories of kingship (*Mahābhārata* XII 59) refers indeed to an antecedent pre-political condition of man, but this leads to our most advanced conception of the king's Divine creation so as to involve the view that the first crowned king is absorbed after his consecration by the personality of the High God Vishṇu. The other version (ibid. XII 67) starts equally with the pre-political condition of man, but thereafter introduces us to the doctrine of the king's Divine creation supplemented by a one-sided contract between the people and the king-designate. The later *Smṛitis* give us more briefly the theory of a primitive State ruled by a Patriarch with highly virtuous subjects, which was changed because of man's sin into the Law-State ruled by a human king, while the *Purāṇas* lay down the theory of creation of the society in successive stages by divine or semi-divine beings similarly because of man's sin. The theory of the Jaina canonists starts with the conception of a mythical Age of perfectly virtuous beings living in complete happiness upon nature's bounties, and it then tells us how the social and political institutions were created because of man's sin by a succession of Patriarchs seeking to adjust them to their changed environment. It will be seen from the above that neither the Brahmanical nor the Jaina theories involve the conception of the creation of the society or the State or both by contract. Still we may draw some points of resemblance and difference between the Indian and the European ideas of the State of Nature preceding the formation of the civil society. In Bhīṣhma's first theory this is regarded, as in the theories of Grotius, Pufendorf and Locke, to be a condition of peace and order, but while according to the Western thinkers it is characterised by the law of nature in the sense of 'the dictates of right reason,' it is based in the view of the Indian thinker upon the high moral sense of the people. In Bhīshma's second theory the State of Nature is at first conceived to be a condition of unceasing strife, but this is followed by the creation of a social order based upon voluntary agreement of the individuals, thus resembling one type of the Western theories of Social Contract. The nearest approach to the Western theories is made by the Buddhist theory of evolution of the world and of man and his

institutions. But even here the differences are more important than the resemblances. The State of Nature of the Buddhist thinkers, like that of Grotius, Pufendorf and Locke, is a condition of peace and order, but unlike it belongs to a mythical Age of god-like beings living upon the bounties of nature. Again, while the European thinkers attribute the origin of Society and the State respectively to man's social instinct and his deliberate act of will based upon contract, their Indian counterparts hold the State along with property to have been produced by popular agreement and conceive the social organisation to have arisen out of a process of division of labour based upon the norm (*dharma*) of the classes concerned. The fundamental difference between the Indian and the Western theories is that the former fail to rise to the level of a philosophical theory of the State attained by the latter. For while the Western thinkers interpret the terms of the contract so as to go to the roots of political association and evolve therefrom principles relating to the authority of the sovereign, the Indian writers as a rule are content with treating the contract (conceived purely in terms of the reciprocal obligation of taxation and protection) as a plank in their complex theory of the king's obligation towards his subjects. One may also mention without comment the striking contrast between the closely reasoned method of Grotius and his successors which is independent of Biblical history and tradition, and the popular, almost story-telling, style of the Indian writers in the background of the cosmological and mythological ideas of their respective sects. From this standpoint the theory of Hobbes presents the strongest contrast with the Indian theories. For while Hobbes is the author of a comprehensive system of political philosophy which deserves to rank among the greatest of its kind, the Indian exponents of the contract theory are nothing if not unsystematic. Hobbes's method of precise definition and logical deduction is not paralleled in the Indian theories. Hobbes deduces his famous conception of the State of Nature as a condition of perpetual strife in the form of a corollary from his materialistic view of 'felicity' as consisting in the satisfaction of desire and of 'power' as furnishing the principal means of its attainment. In the Indian theories the evil State of Nature, with or without a still earlier golden age of mankind as the starting-point, belongs to the primitive condition of man according to the mythological ideas of their authors. Hobbes's conception of contract as involving the complete transfer of natural rights by individuals to a common superior forms the basis of his remarkable doctrine of sovereignty. The Indian conception of contract goes no further than the creation of a reciprocal obligation of taxation and protection between the ruler and his subjects, and it is rarely pressed to its logical consequence in the sense of a complete theory of the mutual obligations of the two units. Hobbes's idea of the will of the State as forming the source of moral as well as legal right constitutes an important landmark in the advance of European rationalism. We look in vain in the Indian theory of contract for such examples.[3]

THEORIES OF THE DIVINE ORIGIN AND AFFINITY OF POLITICAL AUTHORITY

The theories of the Divine creation and affinity of the temporal ruler occupy an important, though not a fundamental, place in Ancient Indian political thought. The Vedic dogma of creation of the four castes supplying the key to all later Brahmanical ideas of social origins involves the notion that the Kshatriya or the ruling order was invested with political authority by Divine ordination. Again, one version of the origin of divine kingship in the *Yajus-Saṁhitās* and the *Brāhmaṇas* implies that political authority was not only created, but endowed with His own attributes by the Highest Deity, Prajāpati. This last principle first assumes real importance in the thought of Manu and Bhīshma who hold that kingship was created by the Highest Deity (Brahmā or Vishṇu), and was invested by Him with a divine personality of a lower or a higher order, and that the purpose of this creation was primarily the protection of the people against the anarchy of the antecedent State of Nature. Manu and Bhīshma likewise conceive the king's function as signifying the fulfilment of individual security and happiness as well as stability of the social order based upon its fundamental law (*dharma*). These ideas lead to the corollary of the subjects' obedience to their ruler. According to the Indian thinkers, therefore, kingship is a divine institution which must be obeyed by the subjects because it exists for their own well-being and the functioning of the social order.

The history of the European theory of the divine affinity and origin of political authority presents in comparison with the above some striking resemblances and contrasts. We know from a famous and oft-quoted text of the New Testament that the Apostle Paul conceived political authority as a divine institution which one must obey as one obeys God Himself, because its end is the maintenance of justice. This conception was repeated by the Fathers of the Christian Church like St Ambrose and St Isidore, while others (especially, Gregory the Great) introduced the new theory of Divine Right, meaning that the king was a representative of God in such a sense that resistance to him in all cases was equivalent to resisting God. Inheriting this twofold Patristic tradition, the writers of the ninth century, as has been well observed, 'used the phrases of St Gregory but were governed rather by the tradition of St Ambrose and St Isidore'. The writers of the eleventh and the twelfth centuries normally held that the authority of the temporal ruler was derived from God for the purpose of maintenance of justice, but a few like Gregory of Catino followed Gregory the Great's doctrine of Divine Right. The same was the case with the writers of the fourteenth and the fifteenth centuries.[9] It was in the sixteenth century that the theory of Divine Right first assumed real importance. The complete theory, it has been observed by a recent scholar,[10] comprises four principles, namely, that (*i*) monarchy is a divinely ordained institution, (*ii*) hereditary right is indefeasible, (*iii*) kings are accountable to God alone, and (*iv*) non-resistance and passive obedience are enjoined by God. Another authority[11] distinguishes

three elements of the fully developed theory of the seventeenth century. These comprise (*i*) the notion of the exclusive rightness of the monarchical form of government (the monarchical principle), (*ii*) the belief in an individual monarch's particular right to govern, a right inalienable and independent of human agency, which is derived from hereditary right (the principle of legitimism) and from divine consecration (the sacral character of the king), and finally (*iii*) the assertion of the irresponsibility of the king together with the corollary, usually closely connected, that he is unlimited (absolutism). It will appear from the above that the Ancient Indian theory agrees with the normal theory of medieval Europe on the point that political authority is a divine institution which must be obeyed by the people. But there is this characteristic difference that the end of political authority is conceived in the former instance not so much as justice as being the maintenance of individual security and the stability of the social order. What is more important, the Indian theory from first to last does not present a parallel to the theory of Divine Right as conceived in the Middle Ages, and more fully in the sixteenth and the seventeenth centuries of European history. It is true that the conception of monarchy as a divinely ordained institution follows as a natural corollary from the Vedic and *Smṛiti* doctrines of Divine creation of the Kshatriya order and more especially of kingship. But the doctrine of the king's accountability to God alone is completely alien to our ancient thinkers. On the contrary the authoritative *Smṛitis* conceive the king to be subject to the law of his order and the rules of the State law governing his rights and duties in respect of his subjects while they invoke the inexorable law of *karma* for keeping him true to his obligations. As regards the doctrine of absolute non-resistance, it is possible to quote passages from the Jaina *Nītivākyāmṛitam* and the technical *Śukranītisāra* counselling passive submission to the will of the evil ruler. But the latter work simultaneously, though somewhat inconsistently, advocates passive resistance of the people in the shape of their desertion to the enemy's camp as well as the more violent remedy of deposition of the sinful and impolitic ruler. More important is the fact that the authoritative view of Manu and Bhīshma justifies by reasoned argument the Brāhmaṇa's resistance against the evil ruler, Bhīshma going so far as to advocate the Brāhmaṇa's total resistance by violent and non-violent as well as fair and foul means. Bhīshma, again, condones active resistance of the community against the tyrant to the point of slaying him by a concerted attack. Finally, we have to observe that the Ancient Indian theory furnishes no parallel to the principle that 'the right acquired by birth cannot be forfeited through any acts of usurpation, of however long continuance, by any incapacity in the heir, or by any act of deposition',[12] or that the individual monarch's particular right to govern is 'inalienable and independent of human agency'.[13] The attitude of our ancient thinkers on this point is clearly expressed by Bhīshma who asks the people in one place (XII 56) to abandon the non-protecting king like a split boat at sea. Still more emphatically it is expressed in another

passage (ibid. XII 79) where Bhīshma counsels, in the face of the strict *Smṛiti* injunction to the contrary, the submission of the people even to a non-Kshatriya saviour in a political crisis. The speaker's argument in this context, comparing a non-protecting king with a bull unable to bear burdens, a cow that does not yield milk and a wife who is barren, expresses in somewhat harsh terms the normal principle of the Ancient Indian thinkers. It remains to mention that while the metaphor of the king as the father of his people is equally familiar in the East and in the West, its elaboration into a systematic defence of Divine Right such as was adopted by Robert Filmer in his *Patriarcha*, was never attempted in Ancient India. The reason for this profound difference in the development of the two parallel conceptions of the divine affinity and origin of political authority may be traced, we think, in the history of the respective lands. It has been observed[14] that the advanced European theory of Divine Right had in its religious aspect the nature of a counter-claim on behalf of the temporal power to the claim of the Papacy to complete supremacy as the only Divinely ordained government and that of the Presbyterians similarly to regard the State as the mere handmaid of an ecclesiastical corporation. 'The Divine Right of kings on its political side was little more than the popular form of expression for the theory of sovereignty.' The history of India through the centuries, so far as we can make it out from the available authentic records, furnishes no instance of political authority having to meet a similar challenge, or feeling a similar urge for its expression.

Let us consider in the next place the significance of the doctrines of the king's divinity and associated ideas of the nature of kingship in Ancient Indian political theory. In the long and varied history of this doctrine we can distinguish at least six different strands of thought derived from as many different sources. Thus in the first place the *Yajus-Saṁhitās* and the *Brāhmaṇas*, while describing the great ceremonies of royal and imperial consecration, repeatedly point out how the ruler is thereby associated or even identified with the gods. This involves the application of the conception of divinity of the sacrificer through the initiation ceremonies that is involved in the higher (*śrauta*) cult of the later *Vedas*, to the particular instance of the consecrated ruler. The Vedic consecration ceremonies, as is shown by repeated historical instances, continued to be in vogue throughout the ancient period of our history. A link between the Vedic and the later *Smṛiti* theory of Manu and Bhīshma (and this brings us to the second and the most important aspect of our doctrine) is provided by isolated references in the *Ṛigveda* and later works to the king's divinity irrespectively of his association with the sacrificial ritual. It is indicated still more by the *Yajus-Saṁhitā* and the *Brāhmaṇa* theories of creation of the king of the gods by the Highest Deity Prajāpati, so as to invest him with Prajāpati's own attributes. In the *Smṛiti* theory just mentioned the idea of the king's Divine creation and his resulting divinity becomes the central principle of the theory of the king's authority over his subjects. By the very act of

his Divine creation, it is held, the king was formed out of the particles of the Regents of the Quarters (Manu), or else was made to incorporate the personality of Vishṇu so as to make him indistinguishable from the gods (Bhīshma). The king's divinity, however, is conceived in all these cases to be subject to the limitations imposed by its *Smṛiti* milieu of which we shall speak presently. Still less shadowy than the *Smṛiti* doctrine of the king's divinity by virtue of his creation is that of parity of his functions to those of multiple deities leading to the identification of the one with the other. Meanwhile members of royal families, as we learn from an important reference in Bhāsa's play called the *Pratimānāṭaka*, had started the practice of setting up images of their immediate deceased ancestors in the male line in temples. This introduces us to the third phase of our ancient doctrine which is based upon the application of the Vedic domestic (*gṛihya*) cult of making offerings to the deceased ancestors of a householder to the specific instance of the members of royal families. From a number of contemporary inscriptions we learn that kings in Southern India in the tenth and the following centuries followed this practice of erecting images of deceased ancestors in temples and of setting up memorial temples in their honour. The fourth phase that has to be mentioned in this connexion is due to the Indo-Greek kings of the first two centuries before Christ, who introduced into our country their crude doctrine of the king's divinity from the great Hellenistic State of Western Asia. The example of these kings was followed by their Śaka, Parthian and Kushān successors, and it seems to have left its influence upon the notions of the Imperial Guptas. The fifth stage belongs to the historical traditions of the early *Purāṇas* belonging to the fourth and the following centuries. In the genealogical accounts of these works (which are the most systematic of their kind known to our literature) the origin of the ancient royal dynasties is traced back to Manu Vaivasvata ('son of the Sun') and his daughter Ilā married to Budha, ('son of the Moon'), so as to give rise to the two parallel ('Solar' and 'Lunar') lines of kings. The example of the *Purāṇas* was followed by the court-poets of the period of transition from the ancient to the medieval period, who invented for their patrons belonging to the Rajput houses of Northern and Western India descent from the Sun and the Moon, or at least from the heroes of the *Mahābhārata*. The sixth and the last phase is due to the Śivite as well as Vaishṇava theologians of the *bhakti* school whose ritualistic texts lay down rules for setting up images of devotees in separate temples, or in temples of the deities worshipped by them. We have historical instances of kings in Western and especially in Southern India being commemorated in this fashion during the transitional period from the ancient to the medieval period of our history.

We may attempt here the difficult task of examining the Ancient Indian ideas of divinity of the temporal ruler such as can be gleaned from the above survey in the perspective of their parallels in other lands. Among the great civilised peoples of antiquity it is now possible to distinguish in

the light of the most recent researches three different conceptions of kingship. The Egyptian Pharaoh was regarded 'as a god incarnate, who did not even require to be deified, a god who had descended among men to maintain the truth and divine order'. 'Pharaoh was Horus, the son of the Sun-god Re, when he was alive, and after death he became Osiris'.[15] The king in Mesopotamia by contrast was 'not essentially different from men': 'the king was a mortal made to carry a superhuman charge which the gods could remove at any time, to bestow it upon another'. The king in his administration had the double duty of interpreting the will of the gods as their representative and of representing the people to their masters, the gods. Acting at first as the representative of the god, he later added the divine determinative to his name so as to appear as a manifestation of the deity, or as himself the god. Nevertheless his title 'the son' of a god or a goddess was intended to be taken not rigidly as in Egypt, but figuratively. In the case of offerings made to the statues of kings in the temples the statues represented not the spirit of the dead (as in Egypt), but 'an independent entity, a true mediator between god and king'.[16] In Ancient China as in Mesopotamia the king was regarded both as a delegate of the deity and as a representative of the people with the parallel function of maintaining harmony between man and nature. Because of the cult of ancestor-worship, however, the king was held to be not a mere servant of the gods but a manifestation of the deity in some form.[17] In the light of the above survey we are perhaps justified in holding that the divine kingship as conceived in the *Vedas* and the *Smṛitis* represents a fresh type different from the above. The king is not a God incarnate or the son of God in the rigid Egyptian sense of the term, nor does he enjoy as in Mesopotamia and China the double role of interpreting the will of the gods to the people and representing the people to their gods. Above all, the Indian king is conceived to be subject to limitations for which few if any analogies can be found in the parallel examples. In the case of the Vedic king these consist in the ancient belief in an omnipotent law or custom, the early separation of the temporal from the spiritual power along with the dogma of Divine creation of the social order putting the former in a position of inferiority to the latter, and lastly, the doctrine of sacrifice in the *Yajus-Saṁhitās* and the *Brāhmaṇas* elevating everybody entitled to the sacrifice (along with the royal sacrificer himself) to a divine status. In the *Smṛitis* of Manu and his successors the limitations on the divine king comprise those imposed by the law of the king's (or the Kshatriya's) order (which is reinforced by the application of the doctrine of *karma*), the rule of the State law with its clauses amplifying the king's obligation of protecting his subjects' property and making him criminally liable for his offences, and lastly, the title of the subjects to resist the evil ruler in varying degrees, which is founded implicitly upon their fundamental right of self-preservation and explicitly upon the theory of derivation of the temporal power from the spiritual. Turning to the other points in the Ancient Indian ideas of kingship, we may state that neither the practice of constructing

images of deceased kings by their descendants nor that of erecting images of royal devotees (alive or dead) in the temples, has any political or even any deep theological significance. For while the former refers itself generically to the Vedic domestic cult of a householder's offerings to his deceased ancestors who have been shown elsewhere to have definitely ranked as inferior to the gods, the latter belongs to a phase of the Śivite and the Vaishṇava *bhakti* cult permitting the deification of devotees irrespectively of their birth, sex and status. Again, the practice of tracing the origin of royal dynasties to the Sun and the Moon and so forth which is mentioned in the genealogical lists of the *Purāṇas* and the later epigraphic records apparently had no other object than that of elevating the royal houses in the social scale. In the parallel instance of the genealogical lists of the Vedic teachers in the *Brāhmaṇas*, *Āraṇyakas* and *Upanishads* we have elsewhere [18] given our reasons for holding that the object of the priestly authors was to justify themselves in the face of a growing scepticism against the Vedic sacrificial ritual with the weight of formidable authority going back to the gods. Of a cult of king-worship as such we have in the extensive body of our ritual literature from first to last not the slightest trace.

We may attempt in the next place a comparison of the respective fortunes of the Indian and the West European theories of the king's divinity. How the ideas of deification of the monarch current in the lands of Western Asia and Egypt captured the Hellenistic and afterwards the Roman world and how they were passed on to the Christianised Empire of the fourth century and were thence transmitted to the Eastern Roman Empire are matters of history. The high prestige of Byzantium led to the transfer of the emperor-cult in a simplified form to the Latin world. At first the Merovingian and afterwards the Carolingian rulers revived 'the designation of the monarch as *sacer*, *sacratus*, *divus*, *sanctus* or *sanctissimus*—a designation derived partly from Byzantium and its law-books, and partly from the unbroken Roman traditions of the West'. The cult was opposed by the Church which (especially from the time of Pope Gregory VII) emphasized its view that the 'monarch was only a layman, and inferior to even the most insignificant priest or deacon in the all-important spiritual and religious aspects of life'. It likewise found itself in conflict with the constitutional ideas of the West and the fundamental law of fealty in the medieval State. A great step forward which marked the first clear departure from the Christian conception of society took place in the course of the conflict between the Papacy and the Empire when Frederick Barbarossa revived the imperial titles of Ancient Rome. The Empire was designated as *sacrum* or *sanctissimum* in order to emphasize the independence of the Empire from the Papacy. 'The Emperor once again acquired *Numen*, which imparted oracular powers. The imperial palace, the court, the fisc, the law which the Emperor promulgated, the writs issued in his name, all were *sacer*. The *respublica* became *diva*, and the *sacra Maiestas Imperii* meant not only that deceased Emperors were celebrated as *divi* or as divine *memoriae*, but also that the living monarch

bore once more the title of *perennitas nostra'*. This completed 'the transformation of the Germanic monarchies into absolutism based upon Divine Right.'[19]

The history of the Indian doctrine of the king's divinity in comparison with the above runs a much more restricted and chequered course. How the Vedic doctrine of the king's divinity through the sacrifice and the *Smṛiti* doctrine of his divinity by virtue of his Divine creation carried with them their own limitations has been briefly indicated above. What a limited appeal this last-named doctrine made to the *Smṛiti* authorities themselves is shown by other facts. We thus find that Yājñavalkya ranking next to Manu in the list of these authorities is completely silent about this doctrine which is however referred to in the later *Smṛitis*. Again, Medhātithi, the greatest of Manu's commentators, indicates a significant tendency to explain away his dogma of the king's Divine creation out of the particles of the gods. Among the parallel canonical systems the conception of the World-ruler, the temporal counterpart of the spiritual Buddha, was known to the Buddhist writers just as the story of the Patriarch Ṛishabha, the first king, was familiar to the Jainas from early times. But the references to the king's divine status in the late Buddhist work, the *Suvarṇaprabhāsasūtra* and the still later Jaina work on polity called the *Nītivākyāmṛitam*, not to speak of the popular references in some old Buddhist and Jaina canonical texts, run counter to the theories of the king's origin following from the fundamental doctrine of cosmic evolution and the evolution of man and his institutions in both systems. What slight influence the *Smṛiti* theory of the king's divinity exercised upon contemporary thought is proved by other facts. Without mentioning the complete silence of Pāṇini about this doctrine, we may state that while this is referred to in the *Rāmāyaṇa* of Vālmīki and hinted at in the *Mudrārākshasa* drama of the poet Viśākhadatta, it is ignored by the masters of the classical Tamil literature whose political speculations betray otherwise a deep acquaintance with the *Arthaśāstra-Smṛiti* literature. At a later period Bāṇa in his great prose-romance the *Kādambarī* mentions the doctrine only for visiting it with severe censure. Among the writers on the technical science of polity Kauṭilya remembers this doctrine only for the purpose of a clever political propaganda for winning over to the king's side his lowly disaffected subjects, while the author of the *Śukranītisāra* interprets it in the light of his characteristic theory of political authority founded upon the king's virtue and past merit. Not less significant than the slight notices in the general literature is the paucity of the historical references. Aśoka, the greatest of the Imperial Mauryas, as is well-known, was content with a title indicative of divine favour for himself, and his example was followed by his grandson. In the succession-States of the Maurya Empire the kings discarded even this modest title. In later times some of the Gupta Emperors, to judge from the device of their coins and the phraseology of their inscriptions, claimed a superhuman status for themselves under the joint influence of the barbarian

ideas from outside and the *Smṛiti* ideas from within. The influence of the *Smṛiti* conception is found likewise in a reference by King Harshavardhana of Thanesar in one of his inscriptions to his elder brother and predecessor. But otherwise the historical references to the ancient theory of the king's divinity are surprisingly few. If now we have to account for the relative insignificance of the part played by the Ancient Indian ideas of the king's divinity in relation to their Western counterpart, we may probably refer to the absence of any such sharp conflict between the spiritual and the temporal powers in our authentic history as characterised the history of Europe in the Middle Ages.[20]

THEORIES OF THE COERCIVE AUTHORITY OF THE TEMPORAL RULER

The Ancient Indian ideas relating to the king's coercive authority (*daṇḍa*) are of some considerable importance. The early *Arthaśāstra* theory of *daṇḍa* involves sweeping and somewhat one-sided generalisations about its function and its jurisdiction. For it conceives *daṇḍa* to be the surest and the most universal means of ensuring public security as well as the stability of the social order, while it contemplates the universal application of *daṇḍa* irrespectively of the offender's rank and status. The first principle is based on the application of the author's sense of the universal wickedness of mankind to Politics. The second principle is founded on the remarkable dictum, so fatal to Brahmanical immunities, that violence begets violence. Kauṭilya, while practically declaring *daṇḍa* to be the means of fulfilment of the totality of human interests, distinguishes between the consequences of its just, its mild and its severe application as leading respectively to respect for authority and disregard and overthrow of the same. Furthermore, he shows that while the lawful application of *daṇḍa* ensures the complete happiness of the individual, its unlawful or vicious application leads to wild anarchy symbolised by the law of the jungle. These statements evidently involve on the one hand the application of the above-named *Arthaśāstra* conception of the evil tendencies of human nature, and on the other hand that of the *Smṛiti* conception of the rule of law in relation to the king's administration. The above ideas of the function of *daṇḍa* and the technique of its application along with their justifying principles are repeated in Kāmandaka's and the Jaina Somadeva's works on polity. The author of the *Śukranītisāra*, however, reproduces these ideas only for their condemnation on moral grounds and concludes with the memorable declaration of the origin of *daṇḍa* in the ruler's sin by virtue of his influence upon his environment.

The theory of *daṇḍa* in the *Smṛitis* as set forth most fully by Manu, repeats or supplements the fundamental *Arthaśāstra* ideas just mentioned. This involves the principle of Divine creation of *daṇḍa* for the purpose of ensuring universal security as well as stability of the social order, that of the fear of *daṇḍa* as the grand incentive to the fulfilment of individual obligations, that

of the king's mode of its application as furnishing the key to the weal and woe of the people, that of the king's qualifications for its exercise and that of its universal jurisdiction irrespectively of the offender's rank and status. Reference is made to the above ideas in the *Mahābhārata*, the later *Smṛitis*, the *Purāṇas* and the *Smṛiti* commentaries. Medhātithi, however, strikes an original note by laying down a double procedure for the application of *daṇḍa* which corresponds somewhat to the distinction between the administrative and the common law and between the secular and the canon law, in the Western political system. Other more or less original ideas of the *Smṛiti* commentators relate to the moral basis of *daṇḍa* as the divine remedy for man's sin, and the absolute or relative limitation of the older notion of its universal jurisdiction by reference to the immunities of individuals by virtue of their status.

Let us compare in the present place the Ancient Indian doctrine of *daṇḍa* and the conception of sovereignty in European political thought. From what has been said above it would appear that *daṇḍa* as conceived by Kauṭilya, Manu and Bhīshma as well as the authors of the later *Smṛitis* corresponds to the plenary executive authority of the ruler which is ordinarily held to be irrespective of the rank or status of the offender, but at the same time is declared to be governed by the rule of law. It is evident that this falls short of a conception like the *majestas* of Bodin and Althusius as well as the *summa potestas* of Grotius, which is held to be the supreme power in a community making all laws and magistrates and itself subject to no law other than the laws of god and nature.[21] In truth the Ancient Indian political thought as a whole is completely alien to the European conception of sovereignty implying a conscious legislative authority, since it throughout conceives the law of the social order and likewise that of the State to be derived from the twofold source of the canon and custom (or convention). As for the doctrine that the king's executive edict has the force of law which was apparently introduced by Kauṭilya and passed on by him to Manu and Yājñavalkya and their successors, it was hedged round from the first with the limitations imposed by the fundamental *Smṛiti* principles of the supremacy of the law of the social order and the rule of the State law.[22]

IDEAS OF GOVERNMENT

The fullest and the most systematic treatment of the Ancient Indian theories of government is found in the *Arthaśāstra* of Kauṭilya who refers likewise to the discussion of his predecessors on this point. The *Arthaśāstra* writers deal critically with such topics as the relation of the king to the other factors of the State-structure, the scheme of the prince's training on the basis of simultaneous development of his intellect and character, the recruitment and selection of the officials, the technique of a king's consultation with his ministers founded on a clear analysis of the value and requisites of counsel, and finally, the organisation of the civil and the military adminis-

tration based upon such considerations as the tendency of power to breed corruption and the danger of a unified military command from the standpoint of external security. The high qualifications of the king including the scheme of his training, the king's recruitment and selection of his ministers and other officials, the technique of a king's consultation with his ministers and so forth, are treated more or less on the above lines not only by later writers on polity like Kāmandaka, the author of the *Śukranītisāra* and the Jaina Somadeva and Hemachandra, but also in the literature of the *Smṛitis* and their commentaries, the *Purāṇas*, the writings of the Buddhist and the Jaina authors, and the works of classical Sanskrit literature. Occasionally we have original touches as in Medhātithi's discussion of the objectives of the administration of justice as well as of the distinctive aims of the executive and judicial branches of the administration.

The *Smṛiti* ideas of the principles of a king's government indicate a remarkable development. The early *Smṛitis* give us in outline the scheme of a Welfare-State based on the conception of the king as the universal protector of the person and property of his subjects and his double objective of securing for them freedom from fear and from want. The distinctive teaching of Manu and more especially of Bhīshma consists in their advocacy of a composite or even contradictory course of behaviour which is justified primarily in the ruler's interest as well as that of his subjects. The Buddhist canonical and non-canonical writers, while inculcating the principle of the king's righteousness take it to impose upon him a number of high qualifications, and to involve his obligation of ensuring the complete welfare of all living creatures down to the dumb creation. Among the writers on polity, Kauṭilya while teaching the king the lessons of exertion, dutifulness and impartiality towards his subjects, advocates the doctrine of his paternal rule in its twofold aspect, namely, the beneficent and the authoritarian, while Kāmandaka and the author of the *Śukranītisāra* indicate the methods of application of a composite list of political expedients according to the exigencies of public policy. The influence of the *Smṛiti* and *Arthaśāstra* ideas set forth above is felt upon the political ideas of the masters of the classical Sanskrit literature.

The early *Arthaśāstra* concept of the State-system (*maṇḍala*) implies a group of kings bound by the ties of alliance, enmity and neutrality with a central potentate. The *Arthaśāstra* category of political expedients (*upāyas*) likewise comprises a whole gamut of State policies ranging from the fullest conciliation to the utmost treachery and violence, while that of the six types of foreign policy (*guṇas*) includes within its scope the whole range of inter-State relations, and that of the king's three powers (*śaktis*) involves a complete analysis of the sources of a State's strength in the context of those relations. The extensive body of State policies treated by Kauṭilya relates in the first instance to the internal and external security of a kingdom based on the application of mass-psychology to politics, the security of the king's person founded on the conception of its fundamental importance

in the interest of the State and the community, and lastly, a scheme of State-planned colonization with a comprehensive programme of economic development of the country's resources and ample provision for the military, the administrative and the other needs of the kingdom. The equally comprehensive line of policy comprised under the technical heading of 'the extirpation of thorns' is concerned with the protection of the public against dishonest traders and craftsmen, State relief of the people afflicted by providential calamities in the spirit of paternal rule, and lastly, the detection and punishment of anti-social elements and suppression of public enemies by the methods of violence and treacherous diplomacy. In the branch of inter-State relations Kauṭilya advocates the gearing of foreign policy to the grand objectives of power and success, the selection of its types fundamentally according to the canon of expediency and specifically according to the standard of progress (this last signifying a comprehensive programme of consolidation of a king's economic and military as well as political strength at the expense of his neighbour), the choice of the policy of attack after consideration of the relevant military and political factors, and lastly, the selection of the sub-types of treaties based on a comparative estimate of the values of different types of allies, lands, forests, mines as well as trade-routes. Kauṭilya's goal of foreign policy envisages the advance from a condition of decline to that of equilibrium and thence to progress with the ultimate objective of achieving universal rule. The *Arthaśāstra* ideas of internal and inter-State policy are repeated with different degrees of completeness in the later literature of political thought.

CIVIL RIGHTS OF INDIVIDUALS AND CLASSES AS WELL AS THE COMMUNITY

The idea of a number of civil rights belonging to individuals of the upper classes (and especially of the order of the Brāhmaṇas) occupies an important place in the literature of the *Smṛitis*. Primarily it means that the individuals are entitled to defend their interests and their cherished institutions by force of arms. Thus while the two early *Smṛitis* of Vaśishtha and Baudhāyana permit the Brāhmaṇas and the Vaiśyas to take up arms in their own defence and in defence of the Brāhmaṇas and the social order and so forth, the late *Vishṇu-Smṛiti* promises the reward of heaven to those who are killed in defence of the above and other objectives. Manu grants this permission to Brāhmaṇas, Kshatriyas and Vaiśyas not only for the purpose of self-defence and the defence of women and Brāhmaṇas, but also for the protection of contending priests at sacrifices and for self-protection in a political upheaval. What is more, he confers complete immunity for killing the assailant in the above circumstances. The above view of popular rights is set forth by the *Smṛitis* side by side with their idea of the Kshatriya's exclusive occupation of bearing arms in accordance with the law of the social order. This illustrates once more the characteristic *Smṛiti* principle of adjustment of

the law to the needs of the people. Supplementing these private rights of the individual, Bhīshma in the *Mahābhārata* advocates not only the passive resistance of the subjects against a bad or an incompetent ruler, but he also condones or even approves of their armed rising for slaying a tyrant. What is more, he pleads for collective non-violent struggle for strengthening the political authority in the event of its breakdown as well as an equally collective violent struggle for protection against social and political anarchy. In later times Manu's plea for the civil rights of the classes concerned is amplified by his great commentator Medhātithi partly on the ground of incapacity of the State-administration to ensure security, while another commentator Viśvarūpa justifies his plea for tyrannicide on the ground of the necessity of a just kingship in the interest of the State. The influence of the *Smṛiti* idea of the civil rights of classes and individuals may be traced in the two late technical treatises, the *Laghvarhannīti* and the *Śukranītisāra*, the former permitting individuals to kill certain types of criminals with impunity and the latter allowing the people to resist passively or even to depose the evil ruler.

In so far as the class of Brāhmaṇas is concerned, we have seen how the early *Smṛitis* as well as Manu concede their right to be defended by others. Manu, moreover, allows the Brāhmaṇas in general terms to resist the evil ruler, and he justifies this by an argument drawn from the old Vedic doctrine of derivation of the temporal power from the spiritual. The fullest account is given by Bhīshma. Thus in the first place he not only promises the reward of heaven for death in fighting for Brāhmaṇas at a time of general decadence of the temporal as well as the spiritual authority, but he likewise allows the Brāhmaṇas to take up arms in their own defence and in defence of the social and the political order, this being justified by the characteristic *Smṛiti* principle of the relativity of the standard of righteousness. In the second place, he urges the Brāhmaṇas to take the lead of the upper classes in strengthening the political authority in the event of its breakdown as stated above, and he justifies this by virtue of the Vedic dogma of dependence of the temporal power upon the spiritual. Thirdly and lastly, he asks the Brāhmaṇas to offer total resistance by violent and non-violent as well as by fair and foul means against the oppressive ruler, and he bases his view upon an argument drawn from the above-mentioned Vedic doctrine of derivation of the temporal power from the spiritual.[23] Developing the above principle, the *Śukranīti* allows the Brāhmaṇas to destroy, even by the use of arms, the evil ruler as well as the upstart usurpers of the royal power. We may here notice that the individual's right to take up arms in his own defence is frequently brought into conflict in the *Smṛitis* with the principle of immunity of the Brāhmaṇa's person in connexion with their discussion of the problem of immunity of the Brāhmaṇa desperado. It is a significant index of the high importance of the former principle that almost all authoritative *Smṛiti* writers including Manu declare themselves emphatically in favour of exemption of the slayer of the desperado from all blame, and they justify

this by the characteristic argument that violence begets violence, or in other words that ecclesiastical immunities are nullified by the individual's primary right of self-preservation.

The Indian theory of the civil rights of individuals such as can be made out from the above presents some striking contrasts with the European theory of natural rights. Thus in the first place while the Western thinkers rest their theory upon the fundamental principle of the law of nature, the Indian thinkers state their theory as an evident truth, or else support it by different arguments. In the second place while the Western thinkers contemplate the natural rights to be irrespective of the social status of the individuals, the Indians advocate the application of such rights principally in the context of a fundamental distinction between the social classes.[24]

THEORIES OF SOCIETY AND THE STATE

The Indian category of the seven constituents (otherwise called 'the seven limbs') of a kingdom has often been compared with modern definitions of the State. This comparison, as has been shown elsewhere (Chapter V, above), helps only to emphasise the defects and shortcomings of the former in contrast with the latter. In truth, the Indian theory, while rightly distinguishing between the ruler and the ruled and including the territory (and derivatively its population) as an element of the State, involves what cannot but be called from the modern standpoint the unnecessary duplication of the ruler and the territory, as well as the equally unnecessary addition of another unit, namely the foreign ally.[25]

More important than the above are the references to the organismic theories of Society and the State in the ideas of the Indian thinkers. The Brahmanical theory of the origin of the social order, as it emerges from its dim beginnings in the *Ṛigveda* and the *Atharvaveda* into the light of maturity in the *Manusmṛiti*, implies that Society is under Divine dispensation a unit with differentiated classes, each fulfilling its appointed function towards the common Divine purpose of universal welfare. These classes, however, are held to occupy a fundamentally unequal status by Divine ordination. In the second place, the *Arthaśāstra* category of seven elements which is taken over by the later *Smṛitis* implies that the State is a unit with differentiated organs fulfilling their distinctive functions according to a more or less set pattern. This is accompanied from first to last by the conception of the unequal worth of the elements in the scale of political values, a conception which leads the authors throughout to arrange the calamities of the elements in the order of their descending importance. We find nevertheless a more or less conscious appreciation of the principle of integration of the elements in the thought of Kauṭilya and Kāmandaka as well as of the *Śukranītisāra*. A direct reference to this principle is found in Manu's declaration of the essential parity of the elements in spite of their admitted inequality on particular points.

The Indian conception of the State set forth above has been repeatedly held in recent times to be similar to the organismic theories of Europe.[26] Now the organic theory, as has been well observed,[27] has been 'one of the oldest and most popular theories about the nature of the State in the West'. Not to speak of Plato's celebrated conception of Justice based on the parallel between the nature and functions of the individual and the State, and that of the State generally as a whole of which the parts are organs for the attainment of a single end, frequent references are found in later classical as well as medieval European thought to the analogies between the animal body and the State.[28] With this early and medieval phase of the Western theory and the Ancient Indian conceptions of the State and Society there are some striking resemblances. Thus the Vedic theory (*Śataṗatha Brāhmaṇa*, IV 1. 4. 1-6) of dependence of the temporal power upon the spiritual as representing the respective attributes of will and intelligence may be compared with the argument of the medieval European canonists justifying the superiority of the Church to the State on the analogy of the mutual relations of the soul and the body. Again, it is permissible to compare the parallel drawn in the *Śukranītisāra* between 'the seven limbs' of the State and the organs of the human body, and the analogies drawn by John of Salisbury, Nicholas of Cues and others between the elements of the State and the members of the natural body. A different verdict has to be given on the comparison between the Indian ideas and the nineteenth century European theories of the organismic nature of the State which arose chiefly out of reaction against the prevailing mechanical theories of Special Contract. According to the fundamental ideas of this school the State is an organism, firstly, because it is itself the end of its existence, secondly, because its component members are distributed into functionally differentiated parts so that not only are the parts interdependent and inseparable but the whole is essential to them, thirdly and lastly because the State in its origin and development is natural and necessary. The State is further conceived to be a living organism in the physical sense exhibited by its structure and the nature of its growth, or else in the spiritual sense as manifested in the characteristics of self-consciousness, self-determination, self-end and ethical nature.[29] We have only imperfect approaches to these ideas in the Indian conceptions. Thus Manu's above-mentioned view of the essential parity of the elements of the State in spite of their acknowledged inequality in particulars, as well as Kāmandaka's repeated references to their interdependence in spite of their disparity, may be compared with the European philosophical idea of the specialised structure of the State. A more distant parallel may be traced between the Western ideas of the structure and end of the State indicated above and the developed *Smṛiti* theory of the four constituent social units fulfilling (although under Divine dispensation) their station in life for the end of the common welfare. On the other hand we have hardly any trace of the European philosophical ideas of the physical or the psychic animateness of the State in the conceptions of the Indian thinkers.

NATURE AND END OF THE STATE

In the history of our ancient political thought, the Kauṭilyan polity represents the most developed, though not the most typical, State, envisaged by the authors of the technical science of polity. It is therefore worth our while to consider here in the first place the dominant tendencies and characteristics of this type of polity from the standpoint of its structure and functions as well as its ultimate end. We have seen, to begin with, how Kauṭilya, while repeating the old *Arthaśāstra* concept of the seven constituents of the State, conceives the king in effect to be the keystone of the political arch. The king's coercive authority is likewise held by the author within proper limits to be the safeguard of the existence of the subjects. Kauṭilya further lays down a complete and integrated scheme of the king's education, while he discusses with his usual superior political insight the older views about the methods of recruitment and selection of the officials. The author again, though not above invoking supernatural aid for political ends, is especially concerned with the application of the traditional methods of diplomacy and force in the execution of the State administration. The proximate objectives of the Kauṭilyan State are equally characteristic of the author's attitude. The items comprise, as we have seen, the personal safety of the king within his own household, the protection of the people against anti-social elements as well as providential calamities, the suppression of secret criminals and enemies of the State, State-planning of the rural and urban areas with the object of meeting the military and economic needs of the administration and the requirements of a developed administrative organisation respectively, and lastly, the alignment of foreign policy with the avowed end of achieving a complete programme of power and success as well as of progress at the expense of the enemy. Summing up the above we may say that the Kauṭilyan polity is essentially a human institution controlled by a highly trained ruler with his staff of officials specially recruited and selected for the purpose. At home it partakes of the joint characteristics of a collectivist and a totalitarian State, while abroad it is inspired by a passionate zeal for expansion with the goal of universal rule in view. In the branches of internal and foreign administration it uses the weapons of diplomacy and force with such a strong preference for the former in all its forms as to make the State administration essentially a work of art requiring the exercise of the highest qualities of intellect and character on the part of the ruler.

As regards the aims and objectives of the State we have seen elsewhere how Kauṭilya (I 4) in the course of his estimate of the four traditional sciences conceives *daṇḍanīti* to be the means of ensuring the complete fulfilment of man's (and especially the king's) worldly ends, and in fact to be the basis of his existence. Again he says at the end of his work (XV 1) that *Arthaśāstra* induces the fulfilment of the threefold end of life (Virtue, Wealth and Pleasure), while it prevents what is contrary to Virtue and is opposed to Wealth. Some further light is thrown on the above point by the author's

occasional references in his detailed statements of policy. The saintly king, the author says (I 7) in the course of his description of the prince's training, should pursue Pleasure without conflict with Virtue and Wealth, and he should not live without enjoyment. In the alternative the king should pursue the three ends in an equal measure, for these are so interconnected that any of them if pursued to excess brings both itself and the rest into jeopardy. This is followed somewhat inconsistently by the author's emphatic statement that Wealth is the chief of the three ends as being the root of Virtue and Pleasure. The princes, the author further observes (I 17) in the course of his exposition of the king's policy towards them, should be instructed in Virtue and Wealth and not in their opposites. The author similarly introduces his description (V 3) of the king's Civil List by saying that the king must not obstruct (the fulfilment of) Virtue and Wealth. It follows from the above that the ultimate end of the Kauṭilyan State is the fulfilment of the normally complete life of man (and especially of the ruler) on the basis of his attainment of the threefold end of life, namely, Virtue, Wealth and Pleasure. This dictum is accompanied by the application of the principle of subordination of the ruler's temporal to his spiritual interests, and in the alternative, that of their co-ordination on the ground of their interdependence.

While the Kauṭilyan State represents the most developed type of polity in the technical works on the subject, Bhīshma's (and less completely Manu's) polity marks the climax of the *Smṛiti* idea of the State. We may therefore further consider here the ideas of these later authorities about the nature and end of the State. It has been shown elsewhere that the social order is conceived from early Vedic times to have been created by the will of the Supreme Being, and that the early *Smṛitis* for the first time held the king to be an essential unit of this integrated social system. It is, however, in Bhīshma and Manu that we have the first clear and emphatic expression of Divine creation of the king with the result of investing him with a superhuman personality in varying degrees. Parallel to this doctrine is Bhīshma's and Manu's conception of the coercive authority (*daṇḍa*) of the State as a divine principle as well as Bhīshma's view of the art of government (*daṇḍanīti*) as a work of divine creation. Kingship then, or more generally the State, is according to these thinkers a divine institution in a special sense, as owing its creation to a specific act of the Supreme Being. And yet it must be remembered that the temporal power is conceived by Bhīshma as by Manu, in accordance with one of our fundamental ideas dating from the Vedic times, to be sharply differentiated from the spiritual. From this standpoint it is significant that Bhīshma and Manu, while drawing their remarkable parallel between the king's functions and the attributes of different deities, conceive the former purely in terms of the king's executive and judicial authority. It is true that Bhīshma as well as Manu charges the king again and again with protection of the canon and maintenance of the canonical scheme of social order. But this does not involve the rigid enforcement of any particular system of religious beliefs and practices at

the expense of the rest. Bhīshma's and Manu's conception of the end of the State is in accordance with the above view of its nature. We have seen how Bhīshma repeatedly and emphatically declares the security and happiness of the individuals and the stability of the social order (after the canonical standards) to be one of the fundamental objectives of kingship. In his pictures of the State of Nature without a king or without his most active instrument of *daṇḍa*, Bhīshma mentions insecurity of person and property and disturbance of the social order as its distinctive characteristics, while by contrast he emphatically declares the king (or the State) to be the guardian of those institutions. In the oath taken by Pṛithu, the first consecrated king, at the instance of the gods and the sages, according to Bhīshma's story, he binds himself most solemnly to preserve the canon and its scheme of social order. The above ideas of the end of the State are repeated (though slightly) by Manu. It follows from the above that according to Bhīshma and Manu the State is a divine institution for fulfilment of the fundamental needs of the individual and the society after the canonical standards.[30]

THEORIES OF GOVERNMENT, PROPERTY AND SOCIETY

We may consider here the Ancient Indian ideas of the origin and significance of the institutions of civilised life. The Buddhist and the Jaina canonical theories of the evolution of the world which we have quoted above imply that the institutions of property, government and society were unknown to man in his mythical Age of perfect innocence and happiness, and that they arose successively in consequence of man's gradual decline from this golden State of Nature. It follows from both these notions that the great institutions of civilised life were the result of man's sin. There is, however, this essential difference that while the Buddhists hold them to have been created by mutual agreement or else by the process of division of labour, the Jainas conceive them to have been decreed by the Patriarchs and their successors interposing on behalf of sinful men. The theories of the Brāhmaṇa canonists by contrast are of a composite character. From the fundamental Brahmanical conception of the origin of the four castes with their distinctive occupations quoted above it follows that society with its adjunct of the institutions of the State and property was created by the Divine will. The implications of Manu's theory of the king's creation and still more of that of Bhīshma go much further than the above. According to their view government was created by the Highest Deity for rescuing the people from the danger of the immediately antecedent evil State of Nature. To the above Bhīshma adds that this evil condition was the result of man's lapse from his earlier stage of a social organisation based upon mutual agreement of the individuals, or else upon their high ethical standards. These theories further imply that the institutions of property and society were contingent upon the existence of the State which was the Divine remedy for man's sin. The later *Smṛitis* conceive somewhat perfunctorily a primitive State ruled by a Patriarch with perfectly virtuous subjects, and its

subsequent transformation because of man's sin into a Law-State under a human ruler. The *Purāṇas*, fitting the Vedic dogma into their elaborate cosmological scheme, conceive the creation of the social order in successive stages by Divine (or semi-divine) beings so as to keep pace with man's growing decline from his original state of perfect happiness.

In so far as the Ancient Indian conceptions of the origin of the great social institutions in man's lapse into sin are concerned, they may aptly be compared with a philosophical principle known to the Western world from the post-Aristotelian philosophers down to Locke and Rousseau in the latter part of the eighteenth century. This is the principle that the institutions of civilised life are not natural, but that they are conventional in the sense that they were unknown to man in his primitive condition of innocence and were created subsequently by the need of limiting his passions.[31] The Indian theory, however, except in the above-quoted speculations of the Buddhist and the Jaina canonists and to some extent in Bhīshma's picture of the mythical land of Śvetadvīpa, was not accompanied by any notion of the natural freedom and equality of man. It would thus appear that unlike the Western theory of the origin of the institutions of civilised life based on the dichotomy between nature and convention, which (as has been well observed) dominated the form of political theory for centuries, the Indian theory of their origin was essentially a philosophical abstraction of some thinkers and nothing more.

It remains to consider some other aspects of the Ancient Indian theory of property. Manu's and still more Bhīshma's theory of the origin and nature of kingship and its accompanying principle of the coercive authority of the ruler involves the notion that the institution of property is founded upon the sanction of the State. And yet we find Kauṭilya tacitly, and Manu and Bhīshma expressly, justifying the king's confiscation of the property of sinners by or on behalf of the virtuous on the principle that property is founded on virtue. To the above Bhīshma adds that the king is justified in his act of confiscation by virtue of his supreme political position. It is evident that the principle which is common to Kauṭilya, Manu and Bhīshma has its precise parallel in a doctrine which was put forward by the English and other anti-clerical writers of the fourteenth century, namely, that dominion is founded on grace. In the second place, Manu lays down a double doctrine of ownership of the soil, one (which is evidently the primitive theory) assigning the ownership of the field to its first clearer and the other (which was introduced by the canonical or other jurists to justify the king's share of the treasure-trove) declaring the king to be the owner of the soil. Reference is made to Manu's doctrines by Kātyāyana among the later *Smṛiti* writers and by Medhātithi among the *Smṛiti* commentators.

RELATION OF POLITICS TO ETHICS

The Ancient Indian ideas of the relation of Politics to Ethics and more especially of the relation of statecraft to morality are marked by some striking

contrasts. We begin with the attitude of the authors of the technical science of polity. By the very definition of their science the early *Arthaśāstra* masters were led to fix their aim on the security and prosperity of the State, and this led them sometimes with aggressive frankness to sacrifice morality for political ends. Kauṭilya, while upholding in some ways the application of ethical principles to his rules of the king's administration, allowed himself in other and more important directions to sacrifice morality in the interest of the king and his dynasty, thus perpetuating the *Arthaśāstra* tradition of the separation of Politics from Ethics. Kāmandaka repeats this principle of the sacrifice of morality for political ends in its application to particularly disaffected and dangerous subjects of the king as well as the enemy outside. What is more, he justifies this in the interest of the king and the community, and in the light of the characteristic selfishness of human nature and of statecraft, as well as by pious example and the *Smṛiti* doctrine of enlightened approval as the sole criterion of *dharma*. Lastly, the author of the *Śukranītisāra*, while advocating righteousness in general terms as the principle of the king's government, allows himself in its practical application to perpetuate the old principle of the divorce of morality from politics. This is justified by a number of arguments from the *Smṛitis* based upon reference to the evil tendencies of human nature and upon the conception of ownership founded upon virtue and of law founded upon general approval. The two opposing tendencies noticed above are conjoined in the thought of the Brāhmaṇa canonists. The fundamental conception of the law of the social order in the *Smṛitis* implies that Politics in the sense of the Whole Duty of the king (*rājadharma*) is a branch of individual and social ethics tending directly to promote the king's good life while forming the means of promotion of this life among the people after the canonical standards. In the most authoritative exposition of Bhīshma in the *Mahābhārata*, *rājadharma* is extolled as the most perfect of all branches of ethics on the ground that the king sets the standard of virtuous behaviour among his subjects. But elsewhere Bhīshma himself declares *rājadharma* to be morally self-condemned because of the cruelties inseparable from its working. With equal inconsistency Bhīshma in the course of his exposition of governmental principles upholds the principle of righteousness as being the essence of the king's office, and at the same time advocates the king's application of an admittedly immoral statecraft especially in an emergency. This last is based on what is called the standard of expediency, and it is sought to be justified by a number of radical arguments derived from the *Smṛiti* doctrines of the Kshatriya's distinctive duties and the duties of the castes in times of distress as well as the *Arthaśāstra* idea of the paramount importance of the State in the interest of the individual and the community. The same conflict is dramatically reflected in a long series of discussions in the above section (Book XII Chapters 8–25) of the *Mahābhārata* where Yudhishṭhira stands for an unqualified subordination of Politics to Ethics, while his associates plead with equal

earnestness for a more or less complete divorce of the one from the other based upon the law of the Kshatriya order after the *Smṛiti* standards.

The attitude of the Buddhist canonists in contrast with that of the *Smṛitis* is marked by a singular uniformity and consistency. Under the influence of their stern and unbending code of ethics and in consequence of their natural reaction against the extreme tendencies of *Arthaśāstra* statecraft, the early canonists were led to conceive Politics as a dismal science, and in fact as the antithesis of Ethics. The same dominating influence led them to advocate the unqualified application of the principle of righteousness (involving the complete protection of creatures as well as temporal and spiritual welfare of the subjects) to the administration of the king and the world-ruler. The authors further explain their view of the profound significance of the king's attitude towards righteousness by tracing its repercussions upon the moral stature as well as the physical health and happiness of the subjects, and further by raising it to the level of a cosmic principle of creation. The above attitude is repeated more or less in the thought of the later Buddhist canonical and non-canonical writers. Among the Buddhist poets and philosophers while Aśvaghosha justifies the separation of Politics from Ethics on the ground of incompatibility of their essential principles of security and quietude respectively, Āryaśūra does the same on the ground that Politics is dominated by the ends of Wealth and Desire in opposition to Virtue, and Āryadeva argues against the *Smṛiti* standpoint that the authority of the sages depends upon their moral worth, and that the authority of the canon itself is subordinate to the inexorable moral law.

The great masters of classical Sanskrit literature differ in their views about the relation of statecraft to morality. The author of the *Rāmāyaṇa* through the mouth of his semi-divine hero condemns Politics as being at the opposite pole of true morality (especially of kings). Similarly Bāṇa conceives Politics to be based upon a creed of gross materialism, heartless cruelty and base superstition, and Māgha holds the essence of Politics to comprise the principle of enlightened self-interest. By contrast Daṇḍin through the mouths of his different characters emphasizes the supreme importance of Politics in the interest of the king and the community along with its somewhat superficial defects and shortcomings. Above all, the author of the *Pañchatantra* speaking through one of his characters justifies the separation of Politics from Ethics by a number of principles after the *Arthaśāstra* pattern. The individual, it is argued, is greater than the whole, and statecraft is founded upon cruelty while it elevates private vices to the rank of public virtues.

RELATION OF POLITICS TO THEOLOGY AND OF STATECRAFT TO RELIGION

The foundation of our ancient political ideas was laid in the so-called revealed literature, namely, that of the Vedic *Saṁhitās* and the *Brāhmaṇas*. But at an early period the teachers and the schools of the *Arthaśāstra* broke

away from the old moorings and founded an independent science avowedly concerned with the acquisition and preservation of the State. The resulting separation of Politics from Theology assumed an aggressive form in two of the early *Arthaśāstra* schools which went to the length of denying the Vedas a place in the list of sciences. With more moderation Kauṭilya restored the *Vedas* to their rightful place among sciences, and upheld the high authority of the canon in some of his rules of State administration. But otherwise he allowed himself under the influence of the dominant *Arthaśāstra* tradition to make religion the instrument of statecraft, or in other words to sacrifice Theology at the altar of Politics. Among later writers on the science of polity the author of the *Bārhaspatya-Sūtras* reverts to the extreme view of an early *Arthaśāstra* authority declaring Politics to be the only science, while the Jaina author of the *Nītivākyāmṛitam* follows Kauṭilya's lead in including the *Vedas* in the traditional list of sciences and in estimating their worth in the scale of human values.

The authors of the Brahmanical *Smṛitis* derived from their Vedic theological inheritance some of their fundamental doctrines, such as the dogma of divine creation of the social order and the doctrine of the two powers. These doctrines formed the key to their social and political theory as well as their ideas of the mutual relations of the spiritual and the temporal powers through all later times. And yet we find that the conception of *rājadharma* was from the first sufficiently elastic to permit the incorporation of a mass of non-theological matter into its being. This is illustrated by their ideas of the multiple sources of the law of the social order and the State law as well as their application of rational principles for the interpretation of this law, their conception of the multiple basis of the authority and obligation of the temporal ruler, and their formulation of principles and policies of government in the interest of the State and the community. The greatest development of political ideas of the *Smṛitis* which is found in the thought of Manu and of Bhīshma in the *Mahābhārata* is based upon the blending in varying degrees of the canonical tradition with that of the *Arthaśāstra*. An impressive indication of this attitude is found in Bhīshma's reference in justification of some extreme phases of his statecraft to the four standards of law (namely, canon and custom, reasoning and expediency), and his plea for the joint application of all these standards instead of a too strict adherence to canonical authority. To the above we may add Medhātithi's statement that the Whole Duty of the ruler after the *Smṛiti* standards (*rājadharma*) is derived from a twofold source, namely, the Vedic and the non-Vedic, although the latter is subordinate to the former.

DOCTRINE OF THE TWO POWERS AND THE THEORIES OF BRAHMANICAL IMMUNITIES AND PRIVILEGES

The beginnings of the *Smṛiti* doctrine of the two powers (namely, the spiritual and the temporal) with the accompanying conception of a sharp contrast between their respective attributes and functions and the

interpretation of their mutual relations in diverse and even contradictory terms may be traced back to the Vedic *Saṁhitās* and the *Brāhmaṇas*. The parallel ideas of the Brāhmaṇa's immunities and privileges in these works, comprising as yet his elementary rights of person and property, are based upon such far-reaching principles as the Brāhmaṇa's superhuman might and his divine protection leading to his own divinity, his subjection to a divine ruler independently of the king and the derivation of the temporal power from the spiritual. With the hardening of the fluid ideas and notions of the Vedic *Saṁhitās* and the *Brāhmaṇas* into a body of legal rules and principles in the *Smṛitis* the conception of the mutual relations of the spiritual and the temporal powers and that of the Brāhmaṇa's immunities and privileges assumes a definite shape. The doctrine of the primacy of the king and the Brāhmaṇa (representing the temporal and the spiritual powers respectively) is based in the early *Smṛitis* upon the conception of their co-ordinate and complementary functions in relation to the rest, in the *Manusmṛiti* and the *Mahābhārata* upon the dogma of Divine creation of their status, and in Nārada and Bṛihaspati upon the conception of their joint guardianship of the law. In the *Smṛiti* commentaries the doctrine of joint authority of the Brāhmaṇa and the Kshatriya is based likewise upon the Divine ordination of their respective functions. Turning to the next point, namely, that of the Brahmanical immunities and privileges, we may state that the early *Smṛitis* invoke in their support a number of old and new doctrines. These comprise the doctrine of extraordinary potency of the Brāhmaṇa's property for justifying its security, that of his superior birth and function in support of his supreme right of way, that of dependence of the temporal power upon the spiritual for justifying the Brāhmaṇa's title to hear disputed questions of law and to be selected as the king's domestic chaplain, and lastly, a bundle of theories relating to the Brāhmaṇa's distinctive function, his subjection to King Soma as well as his transfer of a share of his good *karma* to the king for supporting his immunity from the agricultural tax. The furthest advance in the theories of Brahmanical immunities and privileges is reached by Manu and by Bhīshma in the *Mahābhārata*. Starting with the remarkable doctrines of the Brāhmaṇa's universal ownership and universal lordship by virtue of his superior birth and his divinely ordained function, Manu mentions a number of sweeping arguments in support of the Brāhmaṇa's admittedly advanced immunities and privileges. These comprise the doctrine of the Brāhmaṇa's universal lordship just mentioned in support of his exclusive right to the treasure-trove and the confiscated property of mortal sinners, that of the Śūdra's divinely ordained function of service in support of the Brāhmaṇa's claim to his forced labour, that of the Brāhmaṇa's pre-eminence as well as his distinctive birth and upbringing for justifying his right of instruction, that of his divinity irrespectively of his learning and character for justifying his immunity from taxation, and lastly, the dogma of the single spiritual power of which the temporal is a derivative for supporting the Brāhmaṇa's right of resistance

against the evil ruler. Similar arguments are used by Bhīshma in support of his theories of the Brāhmaṇa's immunities and privileges. These comprise the above-mentioned dogma of the single spiritual power for justifying the Brāhmaṇa's personal rights as well as the doctrine of the Brāhmaṇa's universal ownership *de jure* on the basis of his prior and superior birth in support of his property-rights, the theory of the Brāhmaṇa's extraordinary might and of his subordination to King Soma for supporting the immunity of his person and his freedom from censure, that of the mutual dependence and derivation of the two powers and of their mutual co-operation in their own interest and in the interest of the community and so forth in support of the Brāhmaṇa's claim to the office of the king's chaplain, that of the relativity of law (or righteousness) for justifying the Brāhmaṇa's right to take up arms on specified occasions, and lastly, that of the Brāhmaṇa's immunity against the might of the Kshatriya in support of his right of total resistance against the evil ruler. Some of the above arguments are repeated by Nārada and Bṛihaspati. In this list is included the Vedic doctrine of dependence of the temporal power upon the spiritual in support of the Brāhmaṇa's claim to be honoured by the king, along with Bhīshma's theory of the Brāhmaṇa's universal lordship for justifying his claim to complete immunity from taxation as well as the employment of forced labour for the cultivation of his fields.

It is characteristic of the sense of balance of the *Smṛiti* authorities that they often accompany their theory of Brahmanical immunities and privileges founded upon the advanced principles above mentioned with important limitations of the same based upon other principles. Thus Manu as well as Bhīshma declares the immunity of the Brāhmaṇa's person to be negatived by his violence on the principle that violence begets violence. Bhīshma again declares the immunity of the Brāhmaṇa's property to be nullified by his lack of virtue after the canonical standards. Kātyāyana lays down an important clause of law involving the principle of proportionate enhancement of the penalty for the Kshatriya, and still more for the Brāhmaṇa offender in comparison with the rest. The tendency of the *Smṛiti* commentators to tone down the exaggerated principles of the original *Smṛitis* is indicated by Medhātithi's bare enumeration of Brahmanical immunities and privileges more or less with studied disregard of Manu's justifying arguments. It is also proved by the limitations imposed by Yājñavalkya's commentators upon the privileges of the Brāhmaṇas by the qualifications of their character and learning.

The theories of cosmic evolution and the evolution of man and his institutions laid down by the Buddhist and Jaina canonists strike at the root of the Vedic dogma of Divine creation of the social order which constitutes the bed-rock of the *Smṛiti* doctrine of Brahmanical immunities and privileges. But the challenge of these heretical authors against the orthodox standpoint was spasmodic at its best and never systematic. The *raison d'être* of the Buddhist evolutionary theory is stated in the oldest canonical

extract to be the rejection of a Brāhmaṇa's arrogant claim to social precedence based upon his alleged superior birth and function. We have, again, a short extract in Āryaśūra's *Jātakamālā* rejecting the Brāhmaṇa's claim to self-preservation at any cost by means of a caricature of some familiar *Smṛiti* arguments. But otherwise the Buddhist canonical and non-canonical writers make no serious attempt to criticise the Brāhmaṇa's claims. The Jaina writer Jinasena on his side, while developing the canonical theory of cosmic evolution, fails altogether to indicate its bearing upon the rights and privileges of the Brāhmaṇas. The same author in the course of his exposition of the principles of government enjoins the king through the mouth of a Patriarch to withhold from Brāhmaṇas of the Vedic faith their traditional immunity from taxation, but this characteristic precept is not repeated by the other authorities.

It is natural to compare the Indian ideas of the Brāhmaṇa-Kshatriya relations with their nearest parallel in European thought, namely, the medieval European theory of the mutual relations of Church and State. The traditional political theory of the Middle Ages in Europe was centered on the conception of a dualism in the structure of human society and its normal principle was expressed especially by St Ambrose in the fourth century and by Pope Gelasius I in the fifth to the effect that human society is governed by two powers, the temporal and the spiritual, both of which are divine in their origin, and each is independent of the other in its own sphere. This principle was emphatically repeated by the writers of the ninth century, and it was always present in the ideas of the thinkers in the eleventh and the twelfth centuries. A new theory, namely, that the spiritual power is the source of the temporal power made its first appearance in the twelfth century with Honorius of Augsburg, but otherwise it received no sanction from any Council or from any Pope. A further advance was made in this doctrine in the thirteenth century when Innocent IV and some great canonists, systematising and hardening the ideas of Innocent III, held that 'all temporal and spiritual power belonged in principle to the Pope'. The extreme view of the temporal authority of the Pope was set forth by other writers who maintained that all authority, temporal, political as well as spiritual, belonged to the Pope, and that it was only by his grant or acquiescence that the secular ruler possessed and exercised his political authority. Two of these writers, namely, Egidius Colonna and James of Viterbo further hold that 'all property is vested in the Church' and that 'no one can justly hold it unless he is in communion with the Church by baptism and absolution'. These extreme views were emphatically repudiated by the contemporary civilians like John of Viterbo who reasserted by contrast the normal medieval doctrine derived from Gelasius I.[32] The above historical sketch suggests some points of resemblance as well as contrast with the Ancient Indian theories. The traditional Indian theory like its European counterpart is based upon the doctrine of the joint authority of the two powers, the temporal and the spiritual over the rest. But the normal principle

of the *Smṛitis* unlike that of medieval Europe was centered on the dependence of the temporal power upon the spiritual leading frequently to the doctrine of derivation of the former from the latter. The extreme development of this *Smṛiti* principle recalling the advanced views of the papalist writers quoted above may be traced in the thought of Manu and Bhīshma in the *Mahābhārata*, who agree in declaring the Brāhmaṇa to be the lord of all and the owner of everything, Bhīshma adding as the natural corollary of this doctrine that the Kshatriya rules by the Brāhmaṇa's sufferance.

A general comparison of the ancient Indian and the medieval European theories of the mutual relations of the two powers reveals more differences than resemblances. If it is a fact that the medieval European conception on this point has little or no relation to the actual character and development of the contemporary political ideas in general,[33] the remark is still more true of the parallel Indian conceptions. In truth the Brahmanical hierarchy, notwithstanding all its pretentions was from the first completely lacking in that compact organisation which was the strength of the Catholic Church. From this arose the fact that the mutual relations of the Brāhmaṇas and the Kshatriyas were not complicated by those difficulties which had to be met from the first by the Church and State in medieval Europe, such as those arising from the actual authority of the temporal power over ecclesiastics and that of the Pope and the Bishops in the matter of appointment and deposition of emperors and kings. In these circumstances the question of the mutual relations of the Brāhmaṇas and Kshatriyas never reached the level of the strenuous theories of the champions of secular and religious authority in medieval Europe especially during the period of conflict between the Papacy and the Empire, as well as of the national monarchies from the last quarter of the twelfth century to the beginning of the fourteenth. The Brahmanical authors in general asserted the claim of their class to private rights of person and property and to public rights on special occasions, while their Buddhist and Jaina rivals failed to make any systematic or serious attack upon those claims. By contrast the rival claims of Church and State in the period of European history above mentioned were burning issues in a fierce controversy which borrowed its weapons from the armoury of Jewish and early Christian history, Biblical texts, similes and metaphors and the like.

CHAPTER THIRTY

NOTES

[1] *Vide* Carlyle, A. J. and R. W., *A History of Mediaeval Political Theory in the West*, vol. v, pp. 80–83, vol. vi, pp. 458–60. Cf. ibid. vol. iii, pp. 46–51.

[2] Describing 'the character of Hindu monarchy' after an elaborate discussion of the *Mīmāṁsā* theory of ownership of land, the *Smṛiti* theory of taxation, the text of the coronation-oath and so forth, Dr K. P. Jayaswal (*Hindu Polity*, p. 342) concludes that it was 'a trust created for the prosperity of the people', this principle 'culminating in the fixed maxim that the king was the servant of the people getting his wages'. Basing his view upon similar arguments Dr A. S. Altekar (*State and Government*. . . . pp.

91–2) mentions, as characteristic notions of Ancient Indian kingship, that the king was 'the servant of the people', and that kingship was a 'trust'. But the evidence in favour of these generalisations is quite inconclusive. The *Mīmāṁsā* theory of property (*Hindu Polity*, pp. 331–5) and the *Smṛiti* theory of taxation (ibid. pp. 319–21), to begin with, help at the best to set limits on the king's property-rights. As against these principles we have to observe that the *Smṛitis* in Manu and the anonymous authority quoted by Bhaṭṭasvāmin (on Kauṭilya II 24) lay down the contrary theory of the king's ownership of the soil (Chapter XXIII, above). Again, the *Smṛiti* references to the taxes as 'the king's wages' (more usually, 'his means of subsistence'), while certainly implying the king's quasi-contractual obligation of protection, do not necessarily involve the conception of the king as 'the servant of the people'. The theory itself is sufficiently elastic to permit in the teaching of Bhīshma in *Mahābhārata* XII (Chapter XII above) the wholesale confiscation by a needy king of the property of his subjects. Further the references (*Hindu Polity*, p. 342) to the king's coronation-oath and to kingship as a trust which are quoted from *Mahābhārata* XII 59 and *Vājasaneyī-Saṁhitā* IX 22 respectively have hardly any parallel in other works of our ancient literature. The reference in a *Jātaka* text (ibid., p. 339) to a king's declaring himself to be the master of none other than those who misbehave by injuring him is quite pointless, since this principle is not met with in the authoritative *Smṛitis* which on the contrary emphasize from first to last the subjects' obligation of obeying their ruler. In the *Jātakas* themselves other tales point to frequent violations of individual rights of person and property by tyrannical rulers, this being facilitated (as we learn from the context) by the absence of constitutional checks on the ruler's authority and in particular by the combination of the supreme executive and judicial authority in the ruler's hands. The references (ibid. p. 340) to 'the great constitutional power of the *paura-jānapada*' and the training of the king's conscience for listening to the public voice are extremely hypothetical, since good grounds have been given by other scholars for doubting the existence of an Assembly of this type, and no *Smṛiti* evidence is given for such an orientation of the king's training. How inconclusive are the quotations (*State and Government* . . . p. 91) from Baudhāyana and Kauṭilya for proving the king to be 'a servant of the people' has been sought to be shown by the present writer elsewhere (Presidential address, Section A, at the Indian History Congress, 14th session, 1951 and the paper entitled *Conception of the King as 'the Servant of the People' in Hindu Political Theory* in *Dr Lakshman Sarup Memorial Volume*, pp. 204–7). The text-quotations (*State and Government* . . . p. 92) for proving kingship to be a trust are but moral admonitions for a king's lawful expenditure of taxes and his complete identification with his subjects.

[3] Carlyle, op. cit., vol. III, pp. 181–4, vol. V, pp. 457–61, vol. VI, pp. 505–7. Cf. ibid. vols. I, III, V–VI, s.v. *Justice* and *Law*. The quotations are from ibid. VI, pp. 506–7.

[4] Dr K. P. Jayaswal's statement (*Hindu Polity*, pp. 243–4) that 'the most pronounced feature' of Hindu monarchy is 'the paramount position of law in the polity' ignores the difference between the Brahmanical and the Buddhist conceptions on this point as explained above. The author's arguments, again, are neither complete nor convincing. For while he is silent about the significance of the role of the law of the social order and the rule of the State law in relation to kingship, he attaches undue significance to the coronation-oath of King Pṛithu in *Mahābhārata* XII 59, and Megasthenes' reference to the reaction of the king's injustice upon the fortunes of his subjects. When Jayaswal further argues that the texts of *Manu* (VII 199) and *Mahābhārata* (XII 69.23) indicate the incorporation of the *Smṛiti* laws of war and conquest into the civil law, and that the *Smṛiti* rules for the settlement of a conquered country upon an heir of the old ruling house were 'based on the analogy of the legal theory of legitimacy', he invests without proper reason the texts concerned with the absolute authority of positive law.

[5] Carlyle, op. cit., vol. III, pp. 184-5, vol. V, pp. 471–2, vol. VI, pp. 364–407 ; 520–23.

[6] By Carlyle, op. cit., vol. VI, p. 520.

[7] *Vide* W. A. Dunning, *A History of Political Theories from Luther to Montesquieu*, pp. 164–5, 179–86 (for Grotius), ibid. pp. 266–72, 277–9, 283, 300–2 (for Hobbes), ibid. 319–24 (for Pufendorf), ibid. pp. 345–53 (for Locke).

[8] These differences are ignored in the statements of some scholars in recent times as when we are told (Dr Beni Prasad in *Theory of Government* . . . pp. 28–9) that the State of Nature in *Mahābhārata* XII 59 resembles that of Grotius, Pufendorf and Locke and even of Rousseau in his *Discourses*, while that of *Māhābhārata*

XII 67 resembles the one in Hooker and Hobbes, or we read (*The History and Culture of the Indian People*, vol. II, *The Age of Imperial Unity*, p. 305) that *Mahābhārata* XII 59 and 67 really elaborate the familiar theories of the Divine origin of kingship and Social Contract, or it is observed (D. R. Bhandarkar in *Some Aspects* . . . pp. 132–3, 154) that the Buddhist theory of the pre-political condition of man resembles that of Locke, or it is held (ibid. 136, 154) that there is a remarkably close correspondence between the theory of *Mahābhārata* XII 67 and that of Hobbes. Again, even the statements of Dr A. S. Altekar (*State and Government* . . . pp. 27–8) are not free from difficulties, as when we are told that the Indian theories in contrast with those of Hobbes and Locke involved the restriction of the king's powers by 'the code of law prepared by Brahmadeva' (otherwise called 'the original divine code') for him, 'if not by the terms of the contract'.

[9] Carlyle, op. cit., vol. I, p. 90 (the Apostle Paul), ibid. pp. 152–3 and 161f. (the Christian Fathers), vol III, p. 116 (ninth century writers), ibid. p. 115f. (writers of the fourteenth and the fifteenth centuries).

[10] J. N. Figgis, *The Divine Right of Kings*, 2nd ed., pp. 5–6.

[11] F. Kern, *Kingship and Law in the Middle Ages*, Oxford, 1948, p. 5.

[12] Figgis, op. cit., p. 5.

[13] Kern, op. cit., p. 5.

[14] Figgis, op. cit., pp. 175, 193.

[15] H. G. Quaritch Wales, *Mountain of God*, p. 19.

[16] H. Frankfort, *Kingship and the Gods*, quoted by H. G. Quaritch Wales, op. cit., pp. 21–6.

[17] M. Granet, *Chinese Civilisation*, quoted by H. G. Quaritch Wales, op. cit., pp. 53–4.

[18] *Vide Studies in Indian History and Culture*, p. 4, by the present writer, repeating his statement in *The Beginnings of Indian Historiography and other Essays*, p. 11.

[19] The above summary is based upon Kern. op. cit., pp. 63–8.

[20] The current interpretations of the *Smṛiti* ideas of the king's divinity fall principally under three heads. The king's divinity, it has been held (Benoy Kumar Sarkar, *Political Institutions* . . . pp. 179–80; A. Hillebrandt, *Altindische Politik*, pp. 59–60) has reference to the resemblance of his functions with those of the gods, and it applies to his office and not to his person. This view is substantially reproduced by Dr A. S. Altekar who holds (*State and Government* . . . pp. 86–7, cf. ibid. p. 362) that while a small minority of *Smṛitis* and *Purāṇas* accept the doctrine of divinity of the king, the majority view points only to the functional resemblance between the king on the one hand and the various divinities on the other. According to the second view often held along with the first (P. N. Banerjea, *Public Administration* . . . p. 171; D. R. Bhandarkar, *Ancient History of India*, p. 130; Benoy Kumar Sarkar, op. cit. pp. 180–81; Hillebrandt, op. cit. p. 58; A. S. Altekar, op. cit. p. 88) the divinity was conceded to the good king alone. The third view (P. N. Banerjea, op. cit. p. 71 and n.) holds that the king was regarded not as a god (*devatā*), but as a human god (*naradevatā*). Now in the first place it is true that the *Smṛitis* from the time of Manu onwards along with the *Mahābhārata* and the works on polity as well as those of classical Sanskrit literature, frequently compare the king's functions with those of multiple deities, and thence deduce the equivalence of the king to those deities. It is equally correct to state that these works frequently conceive the king's office to be of such profound significance from the point of view of the individual and the society as to invest him with superhuman qualities. And yet the fact remains that Manu in his celebrated extract relating to kingship conceives the king by virtue of his Divine creation to be endowed with a multiple divine personality, while Bhīshma in a still more important extract draws from his story of Pṛithu's coronation the moral that the king's rule over all men is solely due to his divine quality, that the king is born on earth after coming down from heaven on the exhaustion of his spiritual merit, and that the mere man acquires lordship by being filled with Vishṇu's greatness. The influence of these conceptions is felt not only in the later *Smṛitis* and the *Purāṇas*, but (as has been stated above) also in such works as the *Mudrārākshasa* drama and the Buddhist *Suvarṇaprabhāsasūtra*. In the second place, it is true that the Indian thinkers, in the course of their admonitions to kings for just rule and warnings against misrule, frequently bring the good and the bad king into sharp contrast with each other. What is more, the texts justifying popular resistance against the evil ruler even to the point of slaying the tyrant involve at least

the tacit denial of the divinity of the bad king. The fact, however, remains that a clear-cut distinction between the two types of rulers, making the good king a part of the gods and the bad king a part of the demons, is almost solely confined to the text of the late and relatively unauthoritative *Śukranītisāra* quoted by these authors. The earlier references to this view are frequently vague and confused. Thus *Mahābhārata* I 61, while mentioning various gods and demons that were born among mankind, makes out the former in general to be good and the latter evil. Nevertheless it designates two kings at least of the latter group as royal sages and one even as the best of them. In the story of the *Bhāgavata Purāṇa* quoted in a former chapter (Chapter XXIV) we have seen how even the tyrant Veṇa is stated to have been endowed with superhuman attributes (explained by the commentator Śrīdharasvāmin to mean the attributes of the Regents of the Quarters). In the third and the last place, it is true that the conception of the king and his family as belonging to a lower order of divinity (namely, that of the gods by human convention) is known to some Pali canonical and *Jātaka* texts. But such a conception is unknown to the *Smṛitis*. On the other hand *Mahābhārata* XII 59 in the course of its account of the origin of kingship states categorically that since Pṛithu's consecration as king by the gods and his absorption of Vishṇu's personality, the gods and the lords of men have been proclaimed by the learned to be equal. Even the author of the *Śukranītisāra* who makes the most clear-cut distinction between the good and the evil ruler, adapts (I 72–6) Manu's theory of the multiple divinity of the king by virtue of his Divine creation to his own doctrine of foundation of the king's authority upon virtue and merit.

[21] *Vide* Carlyle, op. cit. vol. VI, s.v. *majestas* and *souveraineté*.

[22] The view (Prof. Benoy Kumar Sarkar, *Political Institutions and Theories of the Hindus*, p. 201, followed by Prof. Gettel, *History of Political Thought*, p. 27) that 'the Ancient Indian theory of sanction and punishment corresponds closely to the *majestas* of Bodin, the *summa potestas* of Grotius, and the modern concept of sovereignty', completely ignores the fundamental differences between the two concepts noticed above.

[23] According to Dr A. S. Altekar, (*State and Government* . . . p. 59) the Ancient Indian constitutional writers, unlike ancient as well as modern European thinkers, give us no systematic discussion of the mutual rights of the State and 'the citizen', and they normally assume an absence of conflict between both, since they usually describe the duties (and not the rights) of the two and conceive the political duties of 'the citizen' as part of his general duties. More emphatic is the view of Dr V. P. Varma who holds (*JBRS*, vol. XXXIX, p. 74) 'that there is no room in Hindu thought for the concept of political and civil rights of the people', 'since the notion of *dharma* comprehended the basic ideas involved in the concepts of rights and duties and freedom'. These views are negatived by the clear evidence of the *Smṛiti* texts from first to last as explained above.

[24] When Prof. Benoy Kumar Sarkar (op. cit., pp. 181–2) compares the Indian ideas of popular resistance against the evil ruler with the conceptions of Manegold of Lautenbach and the author of *Vindiciae contra tyrannos*, he underestimates the difference between what are moral admonitions or at best short, isolated judgements in the one case and what are fully reasoned philosophical principles in the other.

[25] The alleged correspondence of the Indian and the Western theories of the State (Dr A. S. Altekar, *State and Government* . . . pp. 40–41) on the ground that the units of the *svāmī* and the *amātya* in the former instance are the equivalents of the central government with sovereign powers and that the unit of the *rāshṭra* is the exact equivalent of territory in the latter case, misses the significance of the unnecessary duplication of the ruling element and the State territory respectively in the Indian theory. The author's reference to the strange omission of population in the Indian list fails to make allowance for the secondary sense of *rāshṭra* in the sense of population as explained elsewhere. The more sweeping statement (Dr D. R. Bhandarkar in *Some Aspects* . . . pp. 74–83) claiming for the Indian theory the complete fulfilment of the tests of the modern definition of the State on a number of grounds (viz. that *janapada* in the Indian list comprises both territory and population, that Kauṭilya's reference to the good qualities of the *svāmī* and the *janapada* as well as the factor of the *mitra* indicates the conception of unity in the sense of an independent political organisation, that Kauṭilya's distinction between the *svāmī* and his *amātyas* on the one hand and the *janapada* on

the other and his further reference to the items of *durga*, *kośa* and *daṇḍa* reflect the sense of organisation, and finally that the references in Kauṭilya, Kāmandaka and Manu involve the conception of the State not only as a mechanical but also as a spiritual organisation) rests on a number of far-fetched conclusions which are based upon extracts pieced together from different authorities in different contexts. The author's further observation that in contrast with the modern definition of the State which conceives it 'statically and not dynamically', 'internally rather than externally', the Indian theory 'perceives it as one political entity among and in relation to many' is wholly unwarranted.

[26] Cf. Benoy Kumar Sarkar (*Śukranīti* trans. p. 11n., *Positive Background of Hindu Sociology*, II 34–9), A. S. Altekar (*State and Government* . . . pp. 41-2), and above all D. R. Bhandarkar (*Some Aspects* . . ., pp. 74–84).

[27] By Jellinek quoted by J. W. Garner, *Introduction to Political Science*, p. 57.

[28] Cf. Sir Ernest Barker, *Political Thought of Plato and Aristotle*, pp. 127, 157–8, 276–80 ; Gierke, *Political Theory of the Middle Ages* quoted by F. W. Coker, *Organismic Theories of the State*, 1st ed. p. 13.

[29] F. W. Coker, op. cit. pp. 193–4.

[30] Dr D. R. Bhandarkar's exhaustive survey (*Some Aspects* . . . pp. 176–94) of the nature and functions of the Kauṭilyan State leading to his conclusion that it was 'limited' in respect of 'its socio-religious character', but 'unlimited' in its programme for helping the people 'intellectually, economically and socialistically', fails to take notice of the double pattern of its internal administration as partaking at once of collectivism and totalitarianism, while it is completely silent about the structure and external relations of the State. Bhandarkar's further discussion (ibid. 195–9) of the end of the Kauṭilyan State leading to the view that it tended 'to encourage and foster the life of a philosopher and thus ensure the continuance of thought in the sphere of higher realms' confines itself to a very particular aspect of this problem, while ignoring its broader aspect in terms of the well-known categories of the ends of human existence. According to Dr A. S. Altekar (*State and Government* . . . pp. 44–5) 'the literature of politics proper' had for its usual aim 'the promotion of *dharma*, *artha* and *kāma*' : 'the State was to promote *dharma* by fostering a feeling of piety and religiousness, by encouraging virtue and morality, by extending help to the establishments belonging to all regions and sects' and so forth : 'the promotion of *artha* was to be procured by encouraging trade, industry and agriculture' and the like : 'the State was to promote *kāma* by encouraging peace and order' and so forth. These conclusions are not justified by the text of Kauṭilya which refers simply in general terms to the fulfilment of the ordinary ends of human existence by the king and his subjects. Dr Altekar's further conclusion (ibid. 47–52) that while 'the Ancient Indian State was theocratic to a great extent', the theocracy was subject to important limitations, and that it was not operative 'from about the fourth century B.C.' when 'the Vedic sacrifices fell into disgrace and disuse' and 'politics developed into a special science', is unauthenticated.

[31] Carlyle (op. cit. vol. III, pp. 4–6, vol. V, pp. 441–3) ; cf. ibid., vols. I–II and vol. V., s.v. *Nature*.

[32] Carlyle (op. cit. vol. IV, p. 385) ; cf. ibid. vol. I, pp. 15, 21, 192, 253 (traditional theory of Middle Ages) ; ibid. vol. IV, pp. 392–4 (theory of Honorius) ; ibid. vol. V, pp. 318–38 (theory of Innocent IV ; ibid. vol. V, pp. 408, 415–16 (theory of Egidius Colonna and James of Viterbo) ; ibid. vol. V, pp. 359, 437 (view of civilians).

[33] ibid. vol. V, pp. 2–3 ; cf. ibid., p. 438.

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SANSKRIT INDEX WITH GLOSSARY

A

Anavasita-sandhi, 'indeterminate treaty', meaning treaty for joint colonization of waste lands, a sub-type of treaties: see *Sandhi*

Aparādha, title of ten specified offences: special procedure for trial of, 318, 503; includes various offences against king's authority and dignity, 318–19, 503

Abhijātabala (Skt), *abhijachchabala* (Pali), strength of high birth: see *Power of king*

Amātya (Skt), *amachcha* (Pali), official, one of seven constituents of the State: see *Officials*

Amātyabala (Skt), *amachchabala* (Pali), strength of a king's officials: see *Power of king*

Artha, wealth, one of the four ends of human existence: see *Varga*

Arthaśāstra[1], art of government, or more generally, science of polity: definition and scope, 81–2, 496–7; method, 82; comparison with *rājadharma*, 82; with *daṇḍanīti*, 84, 107; a branch of *Smṛitis*, 412–13, 440; see *Politics*, also Chapters V, VI, VII

Arthaśāstra[2], a source of State-law: overriding authority of *Dharmaśāstra* over, 161, 312, 412–13; authority of, 412–13, 440

Ardhadeva, demi-god: epithet of king, 20

Avasarpiṇī, retrogade evolution: Jaina theory of, 457, 459; six time-divisions of, 457, 459; see *Creation-cycles*

Ā

Āchāra, also *dharma*, *sāddhvāchāra*, *śishṭāchāra*, *śīla*, *samaya*, righteous custom: see *Usage*

Ājñā, also *rājaśāsana*: see *Judicial decree of king*

Ātatāyī, desperado: conflict of views about immunity of Brāhmaṇa, 60, 433–5; combination of two conflicting views, 322–3, 423–5; view of *Śukranīti-sāra*, 513–14

Ānvīkshikī, philosophy: one of four traditional sciences, 55; definition and scope, 83; estimate, 83, 112, 247, 428, 476; see *Vidyā*

Āpaddharma, title of duties of classes and individuals in times of distress: application of doctrine of, in relation to law of social order, 45, 160; to State policy in an emergency, 222–31

Āryas, also *Śishṭas*, cultured classes: approval of, the ultimate criterion of the law of the social order, 46–7, 308, 372, 410

Āsana, neutrality, one of six types of foreign policy: canon of application, 139, 362, 381; see *Foreign policy*

I

Indrajāla, deceit by means of incantations, an additional type of political expedient: see *Political expedient*

U

Utsarpiṇī, progressive evolution: Jaina theory of, 457, 459; six time-divisions of, 457, 459

Utsāhaśakti, strength of the king's prowess or enterprise: see *Power of king*

Upapatti, also *buddhi*, reasoning: standard of State policy in an emergency, 227, 228

Upāya[1], title of four political expedients, viz. *sāma*, *dāna*, *daṇḍa*, and *bheda* with the additions *upekshā*, *māyā* (or *chhala*) and *indrajāla* (qq.v.): see *Political expedient*

Upāya[2], expediency, also *vijñāna* (experience), *prajñā* (wisdom), and *buddhi* (understanding): a standard of State policy in an emergency, 227, 228, 230, 231; its three justifying principles, 228f

Upekshā, indifference, an additional type of political expedient: see *Political expedient*

ṚI

Ṛita, also *vrata* and *dhāman* (Vedic), cosmic or divine law: omnipotence of, 19; influence of, upon Vedic concept of king's divinity, 26

KA

Kaṇṭakaśodhana, extirpation of thorns: policy of, 117–18, 133–4, 377–8

Karma: application of doctrine of, for enforcement of principle of king's obligation; principle of double transfer of

subjects' *karma* to the king and of king's share of resulting sin for maladministration of justice, 52, 53 ; of transfer of specific share of subjects' *karma* to the king, 166–7, 203–4, 250, 442, 470, 479 ; social divisions and political authority based upon, 497, 500–1

Karmasandhi, treaty for joint construction of irrigation-works and so forth, a sub-type of treaties : see *Sandhi*

Kali, the Iron Age, the fourth and last in an Age-cycle of the World : see *Age-cycle*

Kalivarjya, title of practices forbidden in *Kali* Age, 309, 439 ; see *Convention*

Kāma, pleasure, one of the four ends of human existence : see *Varga*

Kāla, time, one of three factors shaping policy of marching against the enemy : see *Yāna*

Kulakara, the maker of families, also *kuladhara*, the founder of many families: epithet of Jaina Patriarchs, 457

Kūṭayuddha, treacherous fight : policy of, 145, 382–3, 491, 515

Kṛichchhra, a severe penance (which requires eating meals during the first three days in the morning only, during the next three days in the evening only and during the following three days in eating food given unasked, and fasting in the last three days) : prescribed for *purohita* for king's punishment of an innocent man, 51

Kṛita, the Golden Age, the first in an Age-cycle of the World : see *Age-cycle*

Kośa, revenue, one of seven constituent elements of the State : comparative estimate of *kośa*, *durga* and *daṇḍa* (qq.v.), 90 ; of *kośa* and *durga*, 125 ; application of principle of paramount importance of *kośa* and *bala*[1] (q.v.) to State policy in an emergency, 229–31

Kshatra, temporal power: see *Spiritual power*

Kshaya, decline, one of the three conditions of States in their bearing upon inter-State relations, 95, 140, 472

KHA

Khattavijjā (Pali), *Kshatravidyā* (Skt) also *Khattadhamma* (Pali), *Kshatradharma* and *Kshatriyadharma* (Skt), 'Kshatriya science' or 'the lore of Kshatriya duties' : see *Politics*

GA

Gaṇa, also *sañgha* : see *Clan-republics*

CHA

Chakkavattī (Pali), *Chakravartī* (Skt) : see *World-ruler*

Charitra, custom, a mode of judicial decision : see *Judicial decision*

CHHA

Chhala[1], also *māyā*, deceit without incantations, a type of political expedient : see *Political expedient*

Chhala[2], title of a group of fifty offences : special procedure for their trial, 318, 503 ; includes offences against the king, 319, 503

JA

Janapada, also *rāshṭra*, *deśa* etc., rural area, one of seven constituent elements of the State : comparative estimate of, and other constituents, 91, 125–6 ; assets of, 125, 482 ; policy of colonization of, 135–6, 482

Jñātimitrabala, strength of relations and friends, one of five powers of the king : see *Power of king*

TA

Tarka : see *Reasoning*

Tānūnapatra, covenant made by the sacrificer and his priests in the name of god Tanūnapāt: stories of origin and their significance, 29–30

Tushṇīdaṇḍa, 'silent fighting', 491

Trayī, 'the triple veda' : included in king's training, 55 ; definition and scope, 83 ; estimate, 83, 112, 247, 428, 477

Tretā, the second in an Age-cycle of the world : see *Age-cycle*

DA

Daṇḍa[1], coercive authority of the temporal ruler : cause of *dharma*, 29 ; king's distinctive occupation, 53 ; function of, 86, 118, 119, 167–8, 205, 255–6, 320, 391, 405, 444–5, 465 ; relation to law, 29, 86, 167, 205–6, 436, 444 ; technique of application, 119, 373, 444, 449 ; Divine creation of, 167, 169, 205–6, 255 ; qualifications for application, 168, 169, 205 ; jurisdiction, 168, 169, 320 ; discussion of theory, 424–5 ; quantitative increase by Patriarchs with increase

in man's sin, 457–61; proportionate decrease with increase of man's sin, 504; comparison with European conception of sovereignty, 548; see *Human nature*

Daṇḍa[2], force or punishment: king's exemption from, 24; one of four traditional political expedients, its divisions and sub-divisions, 446–7, 453; see *Political expedient*

Daṇḍa[3], army: see *Bala*[1]

Daṇḍanīti, politics, one of four traditional sciences: scope of, 83, 476, 478, 496; estimate, 83, 112, 192–3, 386, 477; archetypal work attributed to Brahmā and its successive summaries to the gods Śiva and Indra and the sages Bṛihaspati and Śukra, 192; function of, 193; see *Vidyā, Politics*

Dāna, bribery, one of four traditional political expedients: see *Political expedient*

Devānaṁ-piya (Prākṛit), 'beloved of the gods', title of Emperor Aśoka and of his grandson: significance of, 292

Devaputra, 'son of a god' or 'demi-god', title of king: significance of, 262, 303

Deśa, place, one of three factors shaping the policy of marching against the foreign enemy: see *Yāna*

Deśadṛishṭa, principles derived from regional usage: application of, to State law, 160, 499; discussion, 310–11

Daivīśakti, divine fortune, one of three powers of the king in their application to inter-State relations: see *Power of king*

Durga, fortified or urban area, one of seven constituents of the State: see *State, Town-planning*

Dūshyas, enemies of the State (q.v.)

Dvāpara, the third in an Age-cycle of the world: see *Age-cycle*

Dvaidhībhāva, dual policy, one of six traditional types of foreign policy: canon of application, 139, 140, 381

DHA

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